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CHRISTOPH NIEMANN

I Pledge Allegiance to...?

We received volumes of impassioned mail on Elisabeth Sifton's April 5 "The Battle Over the Pledge," most dealing with the phrase "under God." A few hairsplitters wrote in to challenge Sifton's statement that there is no mention of God in the Constitution, because it contains the phrase "in the year of our Lord." —The Editors

Washington, DC

■ While I support the Ninth Circuit ruling (my organization, Americans for Religious Liberty, joined the ACLU and Americans United in an amicus brief backing the Ninth), I am far from alone in worrying about the outcome of the "under God" case. If the Ninth Circuit is overruled, the decision's language could cause trouble in the future; if the Ninth is upheld we could see an unstoppable constitutional amendment and maybe even Bush's (re)election.

One of the best amicus briefs supporting the Ninth Circuit represents thirty-two Christian and Jewish clergy and the Unitarian Universalist Association. Written by University of Texas law school professor Douglas Laycock, it points out that "these *amici* do not want government imposing their religious beliefs on children whose parents teach other beliefs," and that if the religious language in the Pledge is meaningless or insincere, then millions of children are compelled "to take the name of the Lord thy God in vain" in violation of one of the Ten Commandments. EDD DOERR

Americans for Religious Liberty

New Rochelle, NY

■ *Allegiance*, from *liege*, is a piece of verbiage left over from the feudal system. Those who pledge allegiance are stating their obligations and duties to a lord. They are proclaiming themselves *subjects*, not *citizens*. The essential position of a subject is inferior to his or her lord, sovereign or government. Whatever the motivations of those now "pledging allegiance" may be, they are not, if they are citizens of the United States, inferior to their government; their government is not a lord, and it exists because their predecessors formed it to serve them. ARCHIE HOBSON

Charlottesville, Va.

■ Thanks to Elisabeth Sifton for her brilliant treatment of the Pledge. I knew it was an idolatrous expression of state worship with a little fig leaf of piety but did not realize that those who would retain the fig leaf wish not to soften the state worship but entrench it, making the state a creation of God and therefore a divine institution. Thus, church collapses into state.

But surely the time of nation-states is ending, and believers and secularists alike are coming to realize that our ultimate loyalty cannot be to one nation but to the common planetary good. My friend, a high school teacher, once explained to his students that loyalty grows like the rings of a tree, outward; indeed this principle is enshrined in the very design of our flag. This gave me my idea for a new Pledge:

"I pledge allegiance to the flag of these United States, and to the founding principle its pattern celebrates: that as the stripes and stars combine in unity more grand, so my allegiance has to grow beyond my native land. And as a tree grows ring on ring, in ever-widening girth, I love my family, town and state, my country and my earth. And soaring on beyond the sun, beyond the galaxy, I find my home in the endless love that has its home in me." PAUL PRIEST

New York City

■ Not mentioned in Elisabeth Sifton's excellent article was the extraordinary suffering caused by the Pledge. Before 1943, when the constitutionality of West Virginia's compulsory Pledge recitation law was successfully opposed, hundreds of Jehovah's Witness children were expelled from schools across the country for refusing to salute the flag. Many of these children were beaten. Police in Richwood, West Virginia, forced Witnesses who refused to recite the Pledge to drink castor oil. In the wave of hostility that swept the nation following these well-publicized refusals, vigilantes castrated Witnesses in Nebraska, tarred and feathered them in Wyoming and jailed them "for their own protection" in Illinois. A mob of 2,500 sacked and burned the Witness Kingdom Hall in Kennebunk, Maine. The tragic irony is that the Pledge—currently being challenged by an avowed atheist and defended by religious conservatives—has historically been used to persecute one of the nation's most devout religious communities. JACOB M. APPEL

West New York, NJ

■ The words "under God" in the Pledge deprive millions of American citizens of their constitutional right to pledge allegiance to the United States freely, completely and without reservation, by forcing them to say a very brief prayer against their will. Forcing citizens to invoke God in order to pledge allegiance to our flag and country violates the constitutional right of citizens to the "free exercise" of their private beliefs as to God, Allah, Jehovah, the Creator, Buddha, Krishna, etc. guaranteed by the First Amendment. JOHN TOMASSIN

Tucson, Ariz.

■ Ever since "under God" was inserted into the Pledge, I have puzzled over its meaning. Does it mean this nation is subordinate to God, under the control of God, guided by God, uniquely favored by God or unified by a common belief in a particular god? Is it the patriarchal theistic divinity of mainstream Christianity? The deists among the Founding Fathers held differing views. RICHARD COAN

Berthoud, Colo.

■ I would like to add one teacher's perspective. I am not comfortable pledging allegiance to a flag, nor with the "under God" addendum. What about teachers, who are forced in their workplace not only to recite the Pledge but to lead youngsters daily in this meaningless politico-religious mantra? Teachers are the only citizens who do not have a choice. Put yourselves in our well-worn shoes. How comfortable would you be if your job depended on your standing up every morning, facing the flag and, hand on heart, reciting the Pledge as it blares into your place of work over a loudspeaker? Isn't that unconstitutional? JAN KRICK

Brooklyn, NY

■ I grew up in Texas in the 1940s and '50s, and decided early that most references to "God" were attempts to manipulate my brain. I decided to be an atheist, which made me feel different and alienated from the people around me. But I believed in America, where, we were told, freedom of belief or nonbelief was basic. I remember saying the Pledge of Allegiance at school and camp and being inspired with loyalty and love for our great America of the brave and the free. The free!

I remember when "under God" was added. I was 13 and at summer camp in the Colorado mountains. We awoke early mornings and ran, bleary-eyed, pulling on jeans and sweaters, from our unheated cabins to stand in a circle in a clearing of cold, dewy grass as the flag was raised high up among the pine trees. The blue, blue of those skies! Nature was as a god to me. It was a lovely time. We sang a song, were led in a prayer and recited the Pledge of Allegiance. I joined in the song, politely ignored the prayer, then placed hand over heart and said the Pledge. I felt closer to the others standing out there. This was something we could share.

One morning the camp director announced that the phrase "under God" had been added by law and that we would now recite the Pledge the new way. My heart sank. My Pledge was ruined! Someone like me was no longer included in this Pledge! It had been taken over by

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EDITORIALS

Mission Unaccomplished

When George W. Bush appeared aboard the USS Abraham Lincoln beneath a MISSION ACCOMPLISHED banner on May 1, 2003, to declare the end of "major combat operations," he was performing a PR stunt that embodied much that was—and is—wrong with his presidency. A year later, Bush is unable to admit error and continues to promote a false triumphalism. Instead of leveling with the American people about his Administration's miscalculations, he forbids the release of pictures showing the caskets of dead troops returning home, and instead of discussing options for ending a war that should never have been waged, he offers nothing but "stay the course" rhetoric.

Before the war began, Bush refused to confront the challenges that could be expected. As Bob Woodward's *Plan of Attack* shows, there was little conversation in the White House about what to do immediately following the invasion, and even less planning for the possible bloody time ahead. Recently, Defense Secretary Donald Rumsfeld said, "If you had said to me a year ago, 'Describe the situation you'll be in today one year later,' I don't know many people who would have described it—I would not have—described it in the way it happens to be today." But before the war, there were foreign policy experts who warned that an invasion would trigger instability and that US troops would be stuck, and dying, in Iraq for a long time.

In his aircraft carrier address, Bush continued to peddle the misleading reasons for the war, which he has stuck with ever since. He declared, "We've removed an ally of Al Qaeda." But there was no proof then—or now—that Saddam Hussein was a partner of the mass murderers of 9/11 or involved in the attacks. He also said, "We've begun the search for hidden chemical and biological weapons and already know of hundreds of sites that will be investigated." Bush did not tell the troops standing before him that a hunt had been under way for weeks and had not uncovered a trace of WMDs. In fact, the preliminary search results had by then caused some officials to doubt that there were any weapons to be found. But Bush insisted the weapons were there—just as he did at a press conference a few weeks ago, in defiance of the most current information. Facts do not burden the President.

Then there was the phony symbolism of the high-priced floating photo-op. Bush arrived on the aircraft carrier in a fighter jet and strutted about in a flight suit. The prime-time speech drew much favorable media coverage, with many fawning journalists noting that Bush had flown fighter jets in the Air National Guard. But few, if any, mentioned Bush's spotty and suspicious Guard record—which was public information. And months after the speech, when it was obvious that the mission was anything but accomplished, Bush claimed that the White House had not been responsible for the banner. Reporters quickly determined otherwise.

Bush, it appears, has decided that what worked for him then will work now, and he continues to exploit his status as Commander in Chief to misinform Americans. His re-election campaign, at least, realizes that his aircraft-carrier moment was premature, and it is unlikely to use the glorious flight-suit footage. But Bush remains a man on a mission—a dangerous one—to recast the world according to his limited views. Voters must make sure his mission goes unaccomplished.

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Post-Feminism, R.I.P.

By the most conservative estimates, the March for Women's Lives in Washington on April 25 was the biggest pro-choice demo ever—and it may have been the biggest march of any kind in US history. Organizers, who had an army of volunteers methodically affixing COUNT ME IN! stickers to each member of the surging crowd, put the number at 1.15 million. And one in three, according to Gloria Steinem, was under 25.

There were Radical Cheerleaders, pierced and armed with glittering pompoms and slyly scandalous cheers; jangling, undulating belly dancers accompanied by the beat of the Rhythm Workers Union; the Pink Bloque, a radical dance troupe of young women from Chicago clad in homemade pink miniskirts; members of Keys of Resistance, dressed as 1940s secretaries and tapping out letters to Congress on antique Smith Corona typewriters; delegations from fifty-seven countries; pro-choice Catholics, Republicans, medical students, Latinas, soccer moms. Bush jokes (not the polite kind) abounded, as did T-shirts on women of many different shapes, ages and hues declaring, THIS IS WHAT A FEMINIST LOOKS LIKE! If justice existed in the mass-media universe, the newsweeklies would now pose the question, "Is Post-Feminism Dead?"

Of course, it doesn't, and they won't. But the political reverberations of this groundbreaking event could be significant. The stealth antichoice strategy pursued by the Bush Administration has been premised on the expectation that a gradual whittling away of women's reproductive rights will have little political consequence. The pro-choice movement's response, embodied in the broad-ranging theme of the March for Women's Lives, is to unmask the anti-woman agenda connecting the assault on sex-ed and contraception to the global gag rule to Attorney General Ashcroft's outrageous subpoena of women's private medical records to defend the "Partial-Birth" Abortion Ban (a request that was withdrawn, as it happens, the day after the march). These are not measures that are popular with voters. Anger will draw some to the polls; NOW is asking pro-choicers to multiply their votes through its 10 for Change campaign (www.10forchange.org).

After congratulating the throngs for turning out, Senator Hillary Rodham Clinton, who received a reception fit for a rock star, noted, "If all we do is march today, that will not change the direction this country is headed under the leadership of this Administration." She had a point. The Vatican's bullying of candidate Kerry was just one recent salvo from an antichoice establishment heady from a string of legislative successes; Bush flack Karen Hughes fired another on CNN when she suggested that the marchers, unlike most Americans, had failed to learn to "value the dignity and worth of human life" after 9/11. So, yes, there is much unglamorous work to be done (including pressuring centrist Dems like Clinton and Kerry to stand up on the full range of issues affecting women's lives). But the importance of the march itself—for networking, coordinating, strategizing as well as morale boosting—should not be discounted. On April 25, women moved like a movement again. Activists and organizers deserve to savor their achievement as they take the fight to the next stage.

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COMMENT

Dick's Vietnam Hypocrisy

ELECTION MATTERS

Dick Cheney has positioned himself as the Bush Administration's point man in the ongoing work of questioning the national security credentials of presumptive Democratic presidential nominee John Kerry. Cheney's latest attacks on Kerry come as part of a renewed push by the Bush/Cheney campaign, the Republican National Committee and their media allies to suggest that somewhere in the story of Kerry's evolution from decorated Vietnam War combatant to outspoken antiwar activist in the early 1970s can be found evidence that he is unfit to serve as Commander in Chief.

But what of Cheney's Vietnam-era story? Like Kerry, Cheney was "of age" for service. Faced with the chance to engage on the battlefield or the home front, however, he dodged out—not for moral reasons but selfish ones. Pulitzer Prize–winning author David Maraniss, who interviewed Cheney for his book *They Marched Into Sunlight*, says the Vice President just couldn't be bothered. "I think he's emblematic of a certain type. He wasn't against the war, just didn't want anything to do with it," explains Maraniss. "He wanted to get on with his life and not let the world get in the way."

Unfortunately, the world had a tendency to get in the way of young men who, like Cheney, were of draft age when the US troop presence in Vietnam began to rise in the mid-1960s. As a result, there was one sense in which Cheney mirrored the actions, if not the politics, of his fellow students. Dick Cheney was definitely opposed to the draft, at least as far as it affected *him*. Indeed, unlike George W. Bush, who performed some sort of service—ill-defined and unrecorded as it may have been—in the Texas Air National Guard, Cheney reacted to the prospect of wearing his country's uniform like a man with a deadly allergy to olive drab. Between 1963 and '65, Cheney used his student status at Casper College and the University of Wyoming to apply for and receive four 2-S draft deferments. As the war in Vietnam heated up, Cheney fought to defend and expand his deferments. Twenty-two days after Congress approved the Gulf of Tonkin resolution in August 1964, raising the prospect of a rapid expansion of the draft, he "coincidentally"—in the words of a *Washington Post* profile—married Lynne. The advantage was that even if his student deferment was lifted, his married status might carry some weight with his draft board.

But the Vietnamese were not cooperating with Cheney's schemes. The war kept demanding more and more young American men, and the range of those who were eligible for the draft expanded rapidly. On May 19, 1965, Cheney was reclassified with the most dangerous draft status: 1-A, "available for military service." Soon afterward, Lyndon Johnson announced that draft call-ups would double, and on October 26, Selective Service constraints on the drafting of childless married men were lifted. Danang was calling. And it didn't look like Dick had any excuses left.

But there was one way for ambitious young men to avoid serving their country while maintaining their political viability. If Cheney had a child, he'd be reclassified 3-A, removing him from the pool of those likely to be drafted. Cheney needed a kid—quick. And he got one. Precisely nine months and two days after the Selective Service eliminated special protections for childless married men, Cheney was no longer childless. His daughter Elizabeth was born on July 28, 1966. Convenient? Coincidence? That's not Cheney's style. Writer Timothy Noah did the math and suggested that the timing of Elizabeth's arrival "would seem to indicate that the Cheneys, though doubtless planning to have children *sometime*, were seized with an untamable passion the moment Dick Cheney became vulnerable to the Vietnam draft. And acted on it. *Carpe diem!* Who says government policy can't affect human behavior?" Cheney applied for 3-A status immediately, receiving it on January 19, 1966, when Lynne was still in the first trimester of her pregnancy.

Twenty-three years later, when Cheney appeared before the Senate to plead the case for his confirmation as George Herbert Walker Bush's Defense Secretary, he was questioned about his failure to serve. Cheney responded that he "would have obviously been happy to serve had I been called." In a more truthful moment that same year, Cheney admitted to a reporter, "I had other priorities in the '60s than military service." Cheney's lie to the Senate has never caused much concern, but that "other priorities" line has dogged him. After he selected himself to serve on the 2000 Republican ticket, former Secretary of Veterans Affairs Jesse Brown, a Vietnam veteran disabled by a gunshot wound to his right arm, said, "As a former Marine who was wounded and nearly lost his life, I personally resent that comment. I resent that he had 'other priorities,' when 58,000 people died and over 300,000 returned wounded and disabled. In my mind there is no doubt that because he had 'other priorities' someone died or was injured in his place."

That may sound like a harsh assessment, but the fact is that at least a dozen men aged 19 to 47 from Cheney's adopted hometown of Casper, Wyoming, died in Vietnam during the period when Cheney might have served. Because local draft boards had to fill quotas when a man who was eligible got a deferment, someone else had to fill the slot. The vagaries of draft quotas, military service and the war itself make it impossible to say whether Leroy Robert Cardenas or Walter Elmer Handy or Douglas Tyrone Patrick or any of the other sons of Casper who perished in South-

CALVIN TRILLIN

Not Wounded Enough

Republicans say Kerry might have got
Some wounds, but not the kind that hurt a lot.
Their own man cannot ever be accused
Of claiming wounds when he was only bruised:
He might have gotten banged up in that summer he
Was skipping all those meetings in Montgomery,
But slipping on some beer while chasing booty,
Is not considered "in the line of duty."

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COMMENT

east Asia might have survived the war years and gone on to explore their "other priorities" if Cheney had responded to his country's call. But that doesn't stop some of those who served from asking, "Who died in your place, Dick Cheney?" Vietnam veteran Dennis Mansker raises that question on his website, where he maintains a list of the dead from Casper. Maybe Cheney did have other priorities, Mansker argues, but "so did these guys." JOHN NICHOLS

John Nichols's book on Dick Cheney, Dick: The Man Who Is President, *will be published this summer by the New Press.*

Kerry: Fill in the Blanks

It is time—past time—for John Kerry to tell Americans what he is about. This is less about biography (although the only information too many Americans have about Kerry comes from the $50 million negative-ad assault the President's campaign unleashed on him) than about mission and values. He must tell voters what things—big things—he is prepared to fight for and why. It is time to start filling in the blanks, particularly on bread-and-butter issues.

Despite his recent uptick in the polls, Bush is in serious trouble and knows it. Most voters sensibly think the country is on the wrong track and prefer Democrats over the President on a range of kitchen-table concerns: jobs, healthcare, education, retirement security. They worry about budget deficits, the loss of good jobs and inadequate wages. Even after the President's record ad barrage, fewer than half of Americans say they'll vote to rehire him. No wonder the President thinks he's better off spooking people about Kerry than trying to sell them on himself.

The challenge facing Kerry is how to respond to a relentless stream of attacks from GOP hit squads. This is what Bush is good at. He isn't particularly curious about the world, doesn't care much about policy and is AWOL when it comes to running the government. His passion, as a protégé of the late Lee Atwater, hired gun of Jesse Helms, is gutter politics.

Thus far, Kerry has been intent on proving that he'll fight back, answering Bush's assassins shot for shot. But that puts Kerry constantly on the defensive. Worse, it doesn't tell voters what he is *for*. His first economic initiatives were similarly defensive, designed to produce headlines saying that he supports corporate tax cuts and lower deficits—no tax-and-spend liberal he. But this hardly engages public passions. The only stark contrast is between Kerry's social liberalism—choice, the environment, civil liberties, human rights—and Bush's right-wing social agenda.

This is not a recipe for success. It offers little to hard-pressed working families struggling with insecure jobs and wages that aren't keeping up, while college and healthcare costs soar. If Kerry doesn't champion their concerns, they may see no reason to get rid of a President who seems like a regular guy.

That's why it is vital for Kerry to lay out two or three big things he's prepared to fight for—big ideas about where he wants to take the country. These should demonstrate that Kerry understands what's happening to working families, and that he's prepared to fight for them. And they should stand in stark contrast to Bush's smarmy cronyism, which serves only the few. Examples abound:

§ Rouse the nation to a new commitment to education from preschool to college, scoring Bush for breaking his promise on No Child Left Behind and doing nothing to address the real challenges our schools face.

§ Take on soaring healthcare costs. Kerry might start by calling for a new prescription drug bill mandating that the government negotiate a better price for seniors, as opposed to the shameless Bush drug-company payoff. Kerry would be wise to lay out a larger plan for healthcare, arguing that affordable healthcare for all is a matter of better organization, not more money. We already spend more than any nation in the world on healthcare as a percentage of our economy.

§ Roll back Bush's top-end tax cuts, which are producing more jobs in China than in America, and use the money to invest here at home. Start with a crash program to move America toward energy independence. This is a jobs agenda, and a sound energy policy, in clear contrast to Bush's Big Oil giveaway. It insures that our prosperity is not dependent on the fate of desert emirates and dictatorships. And it enables America to capture the green markets of the future while leading the world to address the challenge of catastrophic climate change, which even Pentagon planners describe as a growing danger. But whatever the ideas, it is far more vital that Kerry make himself the champion of working Americans than the guardian of fiscal probity.

Bush's extremism will rouse the Democratic base no matter what. But this election is likely to turn on whether Kerry can convince working families that he understands and will fight for them, even as Republicans try to paint him as out of touch. If they think he's on their side, they'll be more ready to fire the President who has gotten us into the mess we're in. ROBERT L. BOROSAGE

Robert L. Borosage is co-director of the Campaign for America's Future.

Vanishing Votes

On October 29, 2002, George W. Bush signed the Help America Vote Act (HAVA). Hidden behind its apple-pie-and-motherhood name lies a nasty civil rights time bomb.

First, the purges. In the months leading up to the November 2000 presidential election, Florida Secretary of State Katherine Harris, in coordination with Governor Jeb Bush, ordered local election supervisors to purge 57,700 voters from the registries, supposedly ex-cons not allowed to vote in Florida. At least 90.2 percent of those on this "scrub" list, targeted to lose their civil rights, are innocent. Notably, more than half—about 54 percent—are black or Hispanic. You can argue all night about the number ultimately purged, but there's no argument that this electoral racial pogrom ordered by Jeb Bush's operatives gave the White House to his older brother.

HAVA not only blesses such purges, it requires all fifty states to implement a similar search-and-destroy mission against vulnerable voters. Specifically, every state must, by the 2004 election,

(Continued on Page 20)

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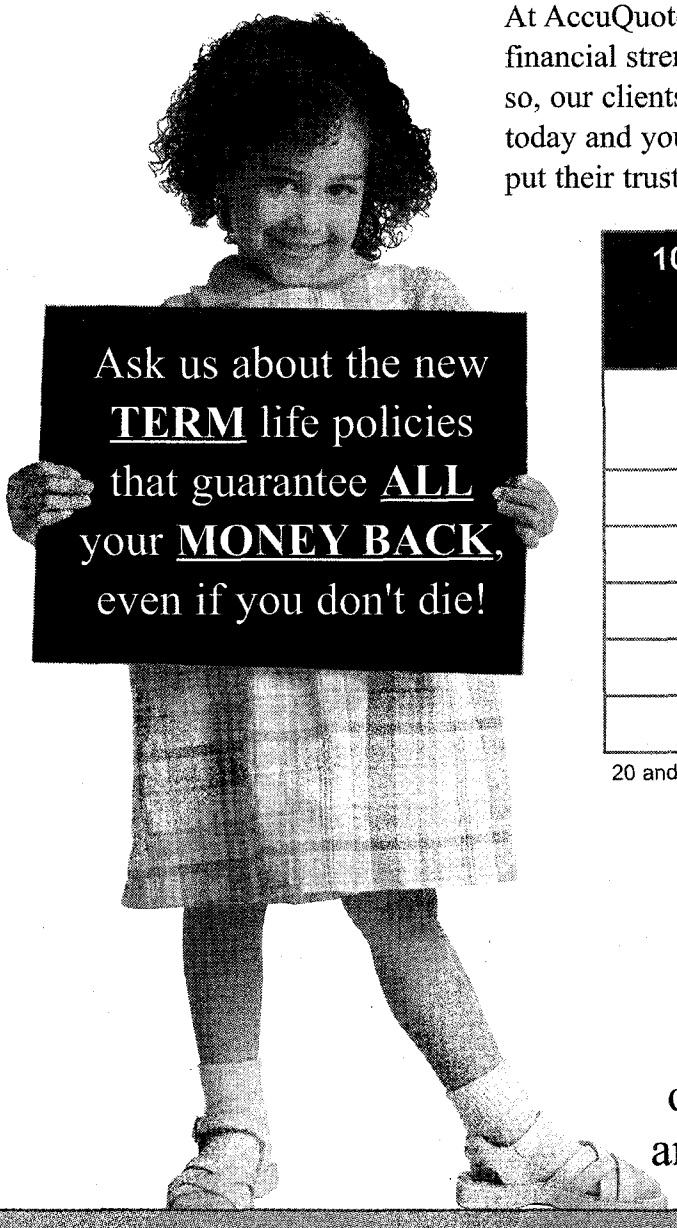

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ALEXANDER COCKBURN

Stupid Leaders, Useless Spies, Angry World

The stark fact that significant portions of our planet are under the supervision of exceptionally stupid and ill-informed people is provoking unwonted expressions of anger and alarm. It is hard to think of people more demure in rhetorical comportment than senior envoys of the UN or the British Foreign Office. Yet here we have Lakhdar Brahimi, a UN Under Secretary General and adviser to Kofi Annan, erupting like a soapbox orator.

"There is no doubt," Brahimi told France Inter radio, "that the great poison in the region is this Israeli policy of domination and the suffering imposed on the Palestinians, as well as the perception of all of the population in the region, and beyond, of the injustice of this policy and the equally unjust support...of the United States for this policy.... There are quite a few other people on this planet, and the Americans should also make an effort to learn how to live with them." A few days later Brahimi was at it again, this time on ABC: "What I hear [in Iraq] is that...these Americans who are occupying us are the Americans who are giving this blanket support to Israel.... So how can we believe that the Americans want anything good for us?"

Of course there was a tactical motive in Brahimi's outbursts. As the Baghdad-based executive of the UN's role as after-sales service provider for the United States, he is trying to establish some street cred with Iraqis as he labors to cobble up a puppet government, with roll-out ceremonies scheduled for the end of June. So he can afford to thumb his nose as protests about his indiscretions pour in from New York and Washington, not to mention Tel Aviv. As he demonstrated in Afghanistan, Brahimi is a sedulous servant of empire, handpicked for his Baghdad assignment by the White House. But his outburst had an unusual edge just the same.

Brahimi's ripe denunciations were echoed by a squadron of fifty-two retired British diplomats who fired off an unprecedented Striped-Pants Manifesto to Bush's poodle at 10 Downing Street. They denounced Bush's recent endorsement of Sharon's plans as "one-sided and illegal" and as an "abandonment of principle," occurring in the midst of what is "rightly or wrongly...portrayed throughout the Arab and Muslim world as...an illegal and brutal occupation in Iraq." After further withering denunciation of the coalition in Iraq, the diplomats warned Blair that "there is no case for supporting policies which are doomed to failure."

Anyone questioning the charge that we are enduring remarkably stupid leaders (with no relief in sight, given John Kerry's recent public statements on the Middle East) need only skip through Bob Woodward's account, in his latest respectful palace handout, *Plan of Attack*, of the Bush Administration's march toward the attack on Iraq. There are a few interesting disclosures, such as that my heroine, Laura Bush, was opposed to the war, but the prime impression one carries away from Woodward's airless pages is of a White House utterly secluded from reality. If Bush had walked out of the front gate to Pennsylvania Avenue, hailed any taxi and asked its driver to give him a briefing on the world situation, he would have done better than with what was served up to him by his staff and by CIA chief Tenet on a daily basis.

All evidence suggests that Bush doesn't want to hear any briefing that might perturb his fixed opinions. He consults only God and Dick Cheney. But even if he'd displayed unwonted curiosity, it would have remained unslaked. You have only to read the ridiculous Presidential Daily Briefing of August 6, 2001, on Osama bin Laden to see this.

On page after earnest page, Woodward has Bush being handed Secret or Top Secret dossiers or being briefed in underground chambers by intelligence officials. It's all rubbish, most aptly resumed in the tremulous pages Woodward allocates to the effort to "decapitate" the regime by killing Saddam, along with his family, just as the war was starting.

A CIA officer in the Kurdish zone of Iraq has secured, by dint of colossal cash bribes, informants inside Saddam's security apparat. Along with the hundreds of thousands of dollars he dispenses on a weekly basis, he gives these informants satellite phones. They report that Saddam and his sons are headed for a farm outside Baghdad. They tell him they have paced out the dimensions of a bunker at the farm and relay these numbers to the CIA man, who relays them to CIA HQ, whence the details are rushed to the White House, whence Bush finally relays the order from Cheney to have F-117s bomb the farm. Graphic descriptions of Saddam being hauled from the debris are duly relayed by the informants. As the CIA officer finds when he inspects the farm, there was no bunker.

This past October 2 the *Guardian* published an interesting piece by another retired senior British diplomat, Sir Peter Heap, asserting that on his observation in several embassies around the world, the whole system of secret intelligence gathering was pretty much useless. Year after year he had watched MI6 officers professionally eager to inflate their resourcefulness ladling off-the-books money to informants, who had every incentive to inflate their discoveries. Sometimes the MI6 officers would simply copy stories from the local paper and remit them to London as top-secret info. Electronic intercepts weren't much better.

"Working twice in London on Foreign Office desks dealing with countries at war," Sir Peter wrote, "I saw a flood of intercepts which retrospectively quite often accurately forecast what was about to happen. But since there were countless other intercepted reports that predicted events wrongly, it was virtually impossible to choose in advance the accurate from the false. Moreover, intercepts were usually fairly random and rarely worked when planned." Moral: reduce US intelligence agencies to a hundredth of their present size and budget, and tell the spies to become taxi drivers.

There have been stupid, poorly informed leaders throughout history. But seldom if ever has the world been afforded, as we are now with the unfolding disasters in Iraq and Israel, the knowledge of this savage stupidity and misinformation on a real-time basis, with no foreseeable end. As the Englishman said when the American asked him to admire the velocity of the water pouring over the Niagara Falls, "What is to stop it?" ■

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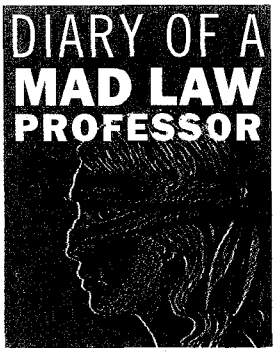
PATRICIA J. WILLIAMS

For Their Own Good



One of my favorite little films is a satirical documentary titled *Babakiueria*. Only about thirty minutes long, it was made by the Australian Aboriginal community to commemorate the bicentennial of British rule. It's hard to find these days, so you'll have to trust my best recollection, but it opens with a long shot of a happy family of contemporary white Australians having a nice relaxing barbecue on the beach. Into the frame chugs a boatload of Aborigines, dressed in army khakis, "discovery" in their eyes. Their haughty leader steps off the boat and asks in the slow, hyperarticulated way some people reserve for speaking to the retarded or the hard of hearing "What... do...you...call...this...place?"

"Why, it's a barbecue area," the father of the family replies, with surprise and a welcoming innocence in his voice.

"Nice native name," murmurs the Aboriginal leader. He nods to his men. "I like it." Then he assumes the stentorian intonation of one inaugurating a new regime: "I call this place: Babakiueria!"—and plants a flag.

The rest of the film follows the white family as they fall into more and more desperate circumstances because of the well-intentioned but misinformed policies imposed by the Aboriginal occupiers. They block a veterans' day parade because they think it a barbaric glorification of war. The Minister of White People's Affairs, an Aborigine with a perpetual smile of gentle condescension, displays actual footage of real-life Australian soccer riots to prove white people's love of ritual violence. Polluted cities are shown as proof of white primitivism. Over white complaints about disruption of their "ancient trade routes," highways are torn up and strips of "lovely" green grass and trees planted in their stead. White people are "taught" the ways of Aboriginal civilization by forcibly removing them from their homes, breaking up extended families and ultimately dropping them off in the middle of the outback to fend for themselves. "I wish I'd had such an opportunity," sighs the avuncular Minister of White People's Affairs.

The film ends with the sound of broken glass—as the teenage son in the white family, growing angrier and more dangerous, throws a rock to protest what has happened to his family and to their way of life. He is a doomed soul, warring against forces he cannot control, uneducated, without resources of any kind. He seems destined for a life of crime or drink or destitution.

Babakiueria is premised on a crude reversal, but it's an illuminating one. It is a polemic against the hubris of colonialism and the sad toll inflicted by those who presume to improve the lot of others without consent, participation or cultural understanding of those others. The film works as an object lesson not merely about Australia, of course—it sketches the core emotional dynamic of the English invading Ireland; or the overzealous policing tactics that have led to race riots in American urban centers; or the French colonial administration of Vietnam; or the brutality of South African apartheid-era laws; or the Chinese occupation of Tibet; or the US and Canadian governments' botched oversight of Native American affairs.

Recently, the American-led administration in Iraq planted a new flag for the Iraqi people. It was designed without widespread input and displaces the old flag—which predated Saddam Hussein. Iraqi citizens were surprised, disgruntled. We Americans like new brands, fresh labels. Not so in every corner of the world. Nor can we be impervious to the tragic back-and-forth of mirrored images: I think of the famous photos of the "highway of death" during the 1991 Gulf War—that long line of burned Iraqi vehicles, their occupants incinerated by our bombs during that first Iraqi war; my mind pairs it with the recent photos of burned American vehicles, their occupants incinerated and strung from bridges. A year ago, our leaders styled their invasion as "Saddam's choice" rather than our own. As I write, the same leaders are threatening to attack the city of Falluja because residents there "have a choice," to be made "within days, not weeks." To negotiate with civic leaders would be a sign of "weakness," and this Administration does not want to be "bullied." And so they stand firm behind this impatient, foot-tapping, clock-watching demand for total surrender or else...

Barely a year ago, our troops watched looters and rioters destroy Iraqi cultural artifacts. Donald Rumsfeld rationalized it as a kind of freedom. Coalition forces were pictured amid the smashed ruins of Saddam's palace, smoking his cigars, their feet on the tables, carrying off "souvenirs." Fast-forward to now: teenage boys rejoicing as an American Humvee is blown apart and dividing up the possessions of dead US soldiers for "souvenirs."

These are crude pairings; indeed, I offer the comparisons not as a direct line of cause and effect or of right and wrong but rather to study the ungovernable yet wholly predictable "blowback" of war, of repression, of trauma. There is nothing "collateral" about the disruption of daily life and the untold deaths of civilians. We must re-evaluate the "liberation" we are wreaking, the "assistance" we are waging, the "pounding" we are delivering for failure to cooperate. We need to know how many mercenaries we have "outsourced" this war to; we need to know how many Iraqis have died—soldiers, insurgents, terrorists, civilians, whatever you want to call them. We cannot shield ourselves from the respectful regard of our own dead, even in "the interests of privacy." There can be no unconsidered dead in the publicly sponsored violence we call war. We need to know the real size of this enterprise, for the blowback of grief will be thusly proportioned. I desperately hope I am wrong, but I think our current policies are heightening the risk of global explosion. Perhaps some see this as a welcome fulfillment of biblical prophecy, of Armageddon, or holy war; but others of us must come to terms with the escalating human disaster. This course is wrong. We may indeed win the test of "will" or "resolve." But if we have to "flatten" Falluja or Baghdad or Najaf in the process, we will fail the real test: of credibility, of moral high ground, of humanity and of history. ■

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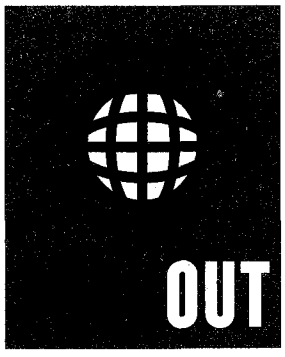
NAOMI KLEIN

Mutiny in Iraq



Can we please stop calling it a quagmire? The United States isn't mired in a bog or a marsh in Iraq (quagmire's literal meaning); it is free-falling off a cliff. The only question now is: Who will follow the Bush clan off this precipice, and who will refuse to jump?

More and more are, thankfully, choosing the second option. The last month of inflammatory US aggression in Iraq has inspired what can only be described as a mutiny: Waves of soldiers, workers and politicians under the command of the US occupation authority are suddenly refusing to follow orders and abandoning their posts. First Spain announced it would withdraw its troops, then Honduras, Dominican Republic, Nicaragua and Kazakhstan. South Korean and Bulgarian troops were pulled back to their bases, while New Zealand is withdrawing its engineers. El Salvador, Norway, the Netherlands and Thailand will likely be next.

And then there are the mutinous members of the US-controlled Iraqi army. Since the latest wave of fighting began, they've been donating their weapons to resistance fighters in the South and refusing to fight in Falluja, saying that they didn't join the army to kill other Iraqis. By late April, Maj. Gen. Martin Dempsey, commander of the 1st Armored Division, was reporting that "about 40 percent [of Iraqi security officers] walked off the job because of intimidation. And about 10 percent actually worked against us."

And it's not just Iraq's soldiers who have been deserting the occupation. Four ministers of the Iraqi Governing Council have resigned their posts in protest. Half the Iraqis with jobs in the secured "green zone"—as translators, drivers, cleaners—are not showing up for work. And that's better than a couple of weeks ago, when 75 percent of Iraqis employed by the US occupation authority stayed home (that staggering figure comes from Adm. David Nash, who oversees the awarding of reconstruction contracts).

Minor mutinous signs are emerging even within the ranks of the US military: Privates Jeremy Hinzman and Brandon Hughey have applied for refugee status in Canada as conscientious objectors and Staff Sgt. Camilo Mejia is facing court martial after he refused to return to Iraq on the grounds that he no longer knew what the war was about [see Christian Parenti, "A Deserter Speaks," at www.thenation.com].

Rebelling against the US authority in Iraq is not treachery, nor is it giving "false comfort to terrorists," as George W. Bush recently cautioned Spain's new prime minister. It is an entirely rational and principled response to policies that have put everyone living and working under US command in grave and unacceptable danger. This is a view shared by fifty-two former British diplomats, who recently sent a letter to Prime Minister Tony Blair stating that although they endorsed his attempts to influence US Middle East policy, "there is no case for supporting policies which are doomed to failure."

And one year in, the US occupation of Iraq does appear doomed on all fronts: political, economic and military. On the political front, the idea that the United States could bring genuine democracy to Iraq is now irredeemably discredited: Too many relatives of Iraqi Governing Council members have landed plum jobs and rigged contracts, too many groups demanding direct elections have been suppressed, too many newspapers have been closed down and too many Arab journalists have been murdered while trying to do their job. The most recent casualties were two employees of Al Iraqiya television, shot dead by US soldiers while filming a checkpoint in Samarra. Ironically, Al Iraqiya is the US-controlled propaganda network that was supposed to weaken the power of Al Jazeera and Al Arabiya, both of which have also lost reporters to US guns and rockets over the past year.

White House plans to turn Iraq into a model free-market economy are in equally rough shape, plagued by corruption scandals and the rage of Iraqis who have seen few benefits—either in services or jobs—from the reconstruction. Corporate trade shows have been canceled across Iraq, investors are relocating to Amman and Iraq's housing minister estimates that more than 1,500 foreign contractors have fled the country. Bechtel, meanwhile, admits that it can no longer operate "in the hot spots" (there are precious few cold ones), truck drivers are afraid to travel the roads with valuable goods and General Electric has suspended work on key power stations. The timing couldn't be worse: Summer heat is coming and demand for electricity is about to soar.

As this predictable (and predicted) disaster unfolds, many are turning to the United Nations for help: Grand Ayatollah Ali al-Sistani called on the UN to support his demand for direct elections back in January. More recently, he has called on the UN to refuse to ratify the despised interim constitution, which most Iraqis see as a US attempt to continue to control Iraq's future long after the June 30 "handover" by, among other measures, giving sweeping veto powers to the Kurds—the only remaining US ally. Spanish Prime Minister José Luis Rodríguez Zapatero, before pulling out his troops, asked the UN to take over the mission from the United States. Even Muqtada al-Sadr, the "outlaw" Shiite cleric, is calling on the UN to prevent a bloodbath in Najaf. On April 18, Sadr's spokesman, Qais al-Khazaali, told Bulgarian television it is "in the interest of the whole world to send peacekeeping forces under the UN flag."

And what has been the UN's response? Worse than silence, it has sided with Washington on all of these critical questions, dashing hopes that it could provide a genuine alternative to the lawlessness and brutality of the US occupation. First it refused to back the call for direct elections, citing security concerns. In retrospect, supporting the call back then might have avoided much of the violence now engulfing the country. After all, the UN's response weakened the more moderate Sistani and strengthened Muqtada al-Sadr, whose supporters continued demanding direct elections and launched a vocal campaign against the US transition plan and the interim constitution. This is what prompted US

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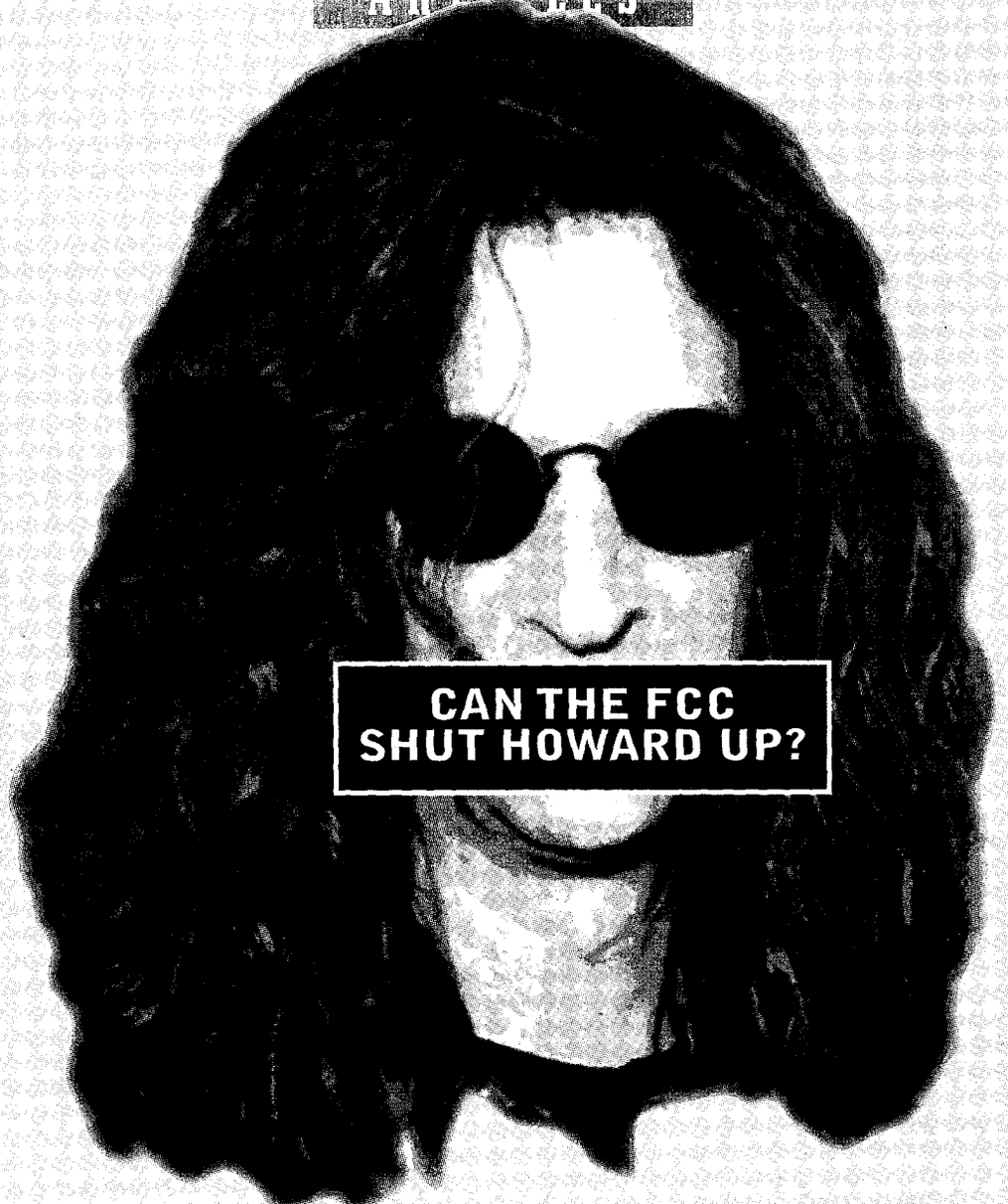

CAN THE FCC SHUT HOWARD UP?

BY JEFF JARVIS

Advertising Age says we are a nation not of red versus blue but of a "moral minority" versus an "edgy elite." And the moral minority is winning.

Let us recite the litany of America's new official religion: "This mad race to the bottom," in the pronouncement of one member of the Federal Communications Commission, began when Bono said "fucking brilliant" at the Golden Globes and when Janet Jackson's silver-studded globe invaded the family fun of the Super Bowl. Which begat politically panicked FCC chairman Michael Powell—Mr. Media Deregulation—suddenly embracing government regulation of content (read: censorship). Which begat a Congressional orgy of legislation to multiply broadcast indecency fines—from $27,500 to $275,000, then $500,000, then $3 million. Which begat Clear Channel's dropping Howard Stern from six stations. Which begat the FCC's fining Stern for the first time in six years. Which begat an NPR station's firing benign commentator Sandra Tsing Loh over an accidental F-word. Which begets well-chilled programmers' issuing dictums filled with newly forbidden words and slapping delays on shows of all sorts, taking the live out of life, the reality out of TV.

But this is bigger than just broadcast. This is a fight for the constitutional, political and cultural soul of the nation. And the man on the firing line is Howard Stern.

The FCC's "Parents' Place" on the web oh-so-helpfully explains the basics of obscenity, indecency and profanity to anyone who wants to summon its cultural cops. A primer:

§ Obscenity—which is not protected by the First Amendment—is sexual material that violates community standards, is patently offensive, appeals to prurient interest and, judged as a whole, lacks serious literary, artistic, political or scientific value.

§ Indecency—which, the Supreme Court has ruled, is protected by the First Amendment—is nonetheless fair game for FCC policing, thanks to the 1927 Radio Act and the 1978 Supreme Court ruling in the Pacifica case (*a k a* George Carlin's Seven Dirty Words).

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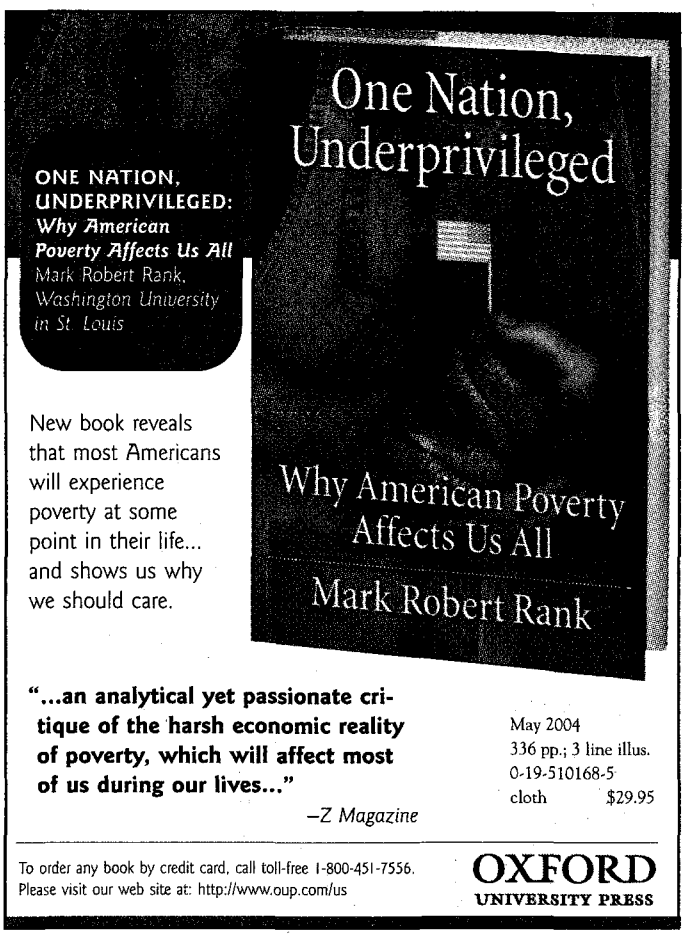
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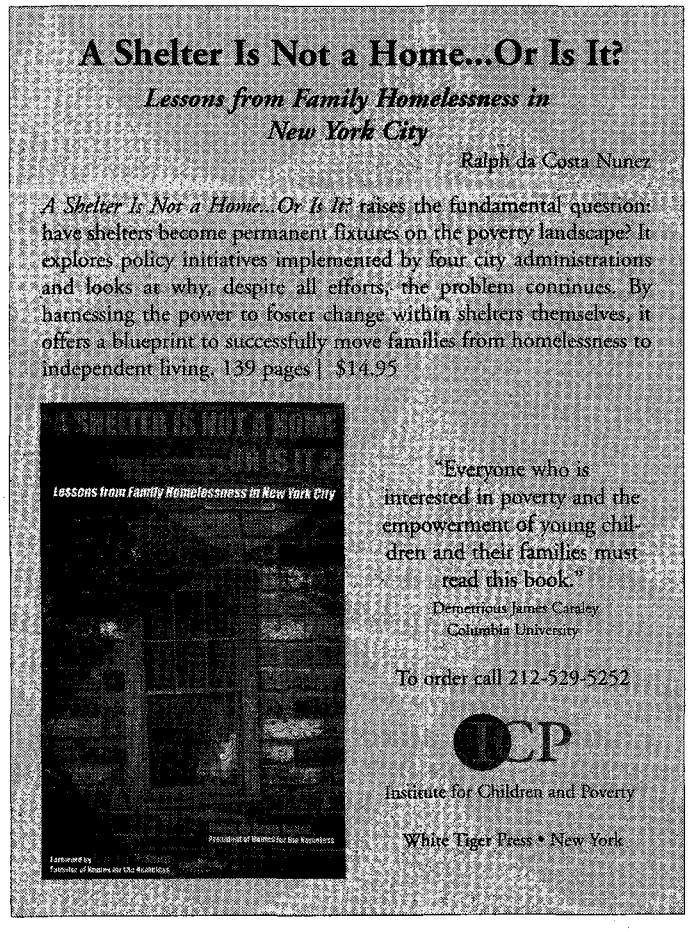
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The FCC says indecency—"patently offensive sexual or excretory references"—cannot air in the "safe harbor" from 6 AM to 10 PM, because children may hear. (Yale Law School Professor Jack Balkin explains that indecency is OK at night because "you can't reduce adults to the level of speech fit for children.")

§ Profanity is defined by the FCC as "personally reviling epithets" or "language so grossly offensive" as to "provoke violent resentment." The first time the FCC ever found anything profane was in March, when it reversed itself and ruled against Bono's "fucking brilliant." Now the F-word in any context or syntax is officially profane. That is wholly new.

The FCC has enforced these rules unevenly, proposing $4.5 million in fines since 1990, $2.5 million of that against Stern (with reports of another $1.5 million coming), according to the Center for Public Integrity. Reading one recent FCC finding against Stern is a testament to inconsistency: Infinity Broadcasting complained that the FCC condemned its star's explanation of the sexual colloquialisms "blumpkin" and "David Copperfield" (don't ask) but did not punish others' references to "giving head" and "finger-banging your boyfriend." The FCC also didn't buy Infinity's argument that "the range of acceptable topics and words for broadcast discussion has changed dramatically, especially in light of widespread media coverage of sex scandals involving President Clinton and the Roman Catholic Church." (Heh.)

Religious conservatives of both parties and such video vigilantes as Brent Bozell's Parents Television Council had been criticizing the FCC for being too lax. But then came the tipping point they were waiting for: The Breast. The FCC suddenly started fining again. And in Congress, lawmakers not only proposed raising fines to prohibitive heights but added more: fining speakers as well as broadcasters (who, before, got a warning and a chance to repent before being fined), requiring license review after three offenses, creating a safe harbor from violence and delaying FCC moves allowing media consolidation.

I asked Robert Corn-Revere—the First Amendment attorney who recently got Lenny Bruce pardoned and who litigated against the Communications Decency Act—about the constitutionality of current regulations and new legislation. He replied: "What constitutionality?... The FCC has done its best to prolong the longevity of this doctrine by keeping it out of court."

In compelling testimony before Congress, Corn-Revere pleaded for a long-overdue constitutional review of indecency policy. He complained that the FCC's indecency (and now profanity) standards evade the tests that courts grant for obscenity: The FCC judges a work not as a whole but by just one word; it judges not by the standard of an "average person" but by that of a child; and it short-circuits due process (Stern complains that his company settled $1.71 million in fines in 1995 only because the FCC was using it to hold licenses hostage). Finally, Corn-Revere says, the enforcement is inconsistent. No one knows where the line is.

Ernest Miller, a fellow at Yale Law School's Information Society Project, also gets constitutional agita over the FCC's new

Jeff Jarvis blogs about Howard Stern and media at Buzzmachine.com, and is president and creative director of Advance.net. He was TV critic for TV Guide *and* People *and creator of* Entertainment Weekly.

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reach into profanity. He argues on his Corante.com weblog that this opens the door to FCC regulation of hate speech—for what is a more grossly reviling epithet worthy of violent resentment than, say, the N-word? But then, what if that N-word is spoken by a hip-hop artist instead of a KKK member? Shouldn't the speech be separate from the speaker? Apparently not if you're Oprah Winfrey, whose show explained sexual colloquialisms just as bluntly as Stern did on the very day he was fined for it—though so far, she has not been fined. The problem with all this, says Corn-Revere, is that "you enable the government to tailor its penalties based on how much it likes or dislikes the speaker." Judging by the disproportionate fines—the vendetta—against Stern, that is exactly what has been happening.

A coalition of two dozen broadcasters, performers (including Margaret Cho) and First Amendment groups just petitioned the FCC to reconsider its Bono ruling. They argue that attacking profanity (*a k a* blasphemy) dances perilously near the line between church and state, that this "is fundamentally incompatible with the First Amendment" and that it "already is exerting a substantial chilling effect on constitutionally-protected speech."

The legislation coming out of Congress goes even further and raises even more troubling constitutional issues. Senator Fritz Hollings would extend FCC authority to restrict violent programming. Corn-Revere says that every court "has held that trying to define and trying to regulate violence is unconstitutional." The problem with the new legislation, he says, is that "they allow but do not require the FCC to exempt news or sports. And they do not say whether it extends to animal violence or, I like to say, food-chain violence. So will Shark Week be too violent?" Yale's Balkin adds that "if protecting children from violence is a compelling state interest, why not racism or sexism or homophobia?"

'No company can stand up to this kind of government pressure,' says Stern, maintaining that the threat of fines may force him onto satellite.

Hollings's effort also extends enforcement to cable. In the Pacifica ruling twenty-six years ago, regulation of TV was justified in part because of its "uniquely pervasive" nature. Today no one channel or even medium is so pervasive (though firebrand Michael Copps, the most frightening FCC commissioner, also calls for extending regulation to cable and satellite because they too are now "so pervasive"). Corn-Revere says that won't hold up. "The court, whenever presented with the issue, has held that they're not going to extend broadcast-like regulation to other media, including cable."

But of course the real constitutional issue is the chill in the airwaves brought on by all these threats. TV producer Steven Bochco told a reporter that since The Breast, ABC censors have for the first time cut his *NYPD Blue*. "It's very chilling."

The industry as a whole is feeling the strong-arming of the law. The National Association of Broadcasters is considering reinstating its Code of Good Practices, which was dropped in the 1980s under pressure from the Reagan Administration out of—cue ironic smirk—constitutional concerns. In his address to the NAB in March (reminiscent of former FCC chairman Newton Minow's famous 1961 speech calling TV a "vast wasteland"), FCC chairman Powell urged them—under threat of gigantic fines—to adopt a voluntary code: "It would be in your interest to do so." But as Corn-Revere observes, "Voluntary doesn't mean voluntary."

Consider, too, that any citizen could be subject to fines under this legislation. "Imagine if a television crew had filmed an Abbie Hoffman speech," says Yale's Miller. "Would Hoffman be liable for intentionally using the term 'fuck' and knowing his speech would be broadcast?" Feeling chilly?

The assault on free speech isn't coming just from the FCC and Congress. The Federal Trade Commission just stepped up monitoring of media violence, "including complaints about the advertising, marketing, and sale of violent movies, electronic games (including video games), and music." And Attorney General John Ashcroft has launched a multimillion-dollar war on pornography. Says the *Baltimore Sun*: "Nothing is off limits, they warn, even soft-core cable programs such as HBO's long-running *Real Sex* or the adult movies widely offered in guestrooms of major hotel chains."

And then there's Stern. The looming threat of fines that could pile into millions—and be levied years after the acts—is enough to force him off the air and onto satellite, he vows. "No company can stand up to this kind of government pressure," he says. "I can't take the pressure that they're going to fine me personally every day." If Stern leaves the air, a voice that reaches 8.5 million fans a week will be, at best, reduced to an audience a fraction that size. And his political speech will have been forced off the airwaves—*our* airwaves—under government pressure.

The punch line of this sad joke is that Howard Stern has become the liberal talk-show star the left has been dying to hear. Laurie Spivak at AlterNet says Stern has unleashed against Bush the long-sought-after WMDs—White Male Defectors. *Salon*'s Eric Boehlert calls them "Howard Stern's schwing voters." MTV News says Stern could have a bigger impact on the election than Ralph Nader.

Stern returned from a vacation on February 23 carrying Al Franken's *Lies and the Lying Liars Who Tell Them* and ranting, "If you read this book, you will never vote for George W. Bush. I think this guy is a religious fanatic and a Jesus freak, and he is just hellbent on getting some sort of bizarro agenda through." The next day, Stern interviewed Rick Solomon, Paris Hilton's costar in an infamous porn video; sexual and racial talk ensued and that was all that was needed: Two days later, Stern was kicked off Clear Channel. He says that was because Clear Channel is run by Bushies. And he says that is why the FCC and Congress are after him as well. The conspiracy theory is weakened somewhat by the bipartisan nature of the rush to censorship, though there's no denying that this is a political story.

It's about FCC chairman Powell's efforts to win back political favor after he mucked up his media deregulation effort and attracted the wrath of the many who apparently hate big American media. Powell has flip-flopped on the First Amendment and media regulation. When he was an FCC commissioner, he said that "government has been engaged for too long in willful denial in order to subvert the Constitution so that it can impose its

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speech preferences on the public—exactly the sort of infringement of individual freedom the Constitution was masterfully designed to prevent." When he became chairman, he said, "I don't know that I want the government as my nanny." In 1999, he accepted the Media Institute's Freedom of Speech Award with a stirring defense of the First Amendment: "We should think twice before allowing the government the discretion to filter information to us as they see fit." But now, Powell is regulating something far more sacred than the business of media: its content, its speech, its freedom. And he dismisses—or at least tries to wash his hands of—the chill, telling Congress recently: "I do not have the luxury of ignoring my duty to enforce the statute because owners might react with excessive conservatism."

And, of course, this is a political story about currying favor with religious conservatives. This is their big hurrah—to take back the country from godless media, to make TV safe for everyone. As fired NPR talker Tsing Loh said: "I've seen the future and it is John Tesh...music. Pre-recorded."

What we're really seeing is the final nail in the coffin of the mass market and of one-size-fits-all media.

Advertising Age says that the new Puritanism will drive the young and desirable edgy elite to satellite and cable, raising the average age of TV's audience and tearing apart the mass audience. This will hasten a fundamental shift in the center of gravity of American media. Broadcast TV and radio will become (even more) boring, old, predictable and safe and will keep shrinking. Younger audiences—along with the advertising dollars and creative talent aimed at them—will migrate (no: stampede) to cable, satellite and the Internet and then to on-demand delivery over high-speed wireless. These alternate media won't become moral cesspools, for they've already sown their sexual oats: Look at how HBO started with tittering flashes of tit but now produces the leading edge of entertainment; look at the shrinking market-share of sleaze on the Internet. The audience will continue to fragment in slices of slices as even the Internet creates new markets (witness the blossoming of blogs). News and commentary will be delivered via every angle of the political prism. Media will internationalize as never before. Since there will be no more mass medium, advertising will become laser-targeted. The people formerly known as the audience will gain more choice, more involvement, more ownership of their media. The greatest cultural change agent of recent history turns out to be the remote control, which gave us command of our media and took it away from the national nannies. That's why they're in such a panic.

We live in an age of offense. The cardinal sin today is to offend; the clearest badge of victimhood is to be offended.

So they set the Wayback Machine for the 1950s, when TV was clean and most shows carried the seal of the Code of Good Practices, which the FCC wants broadcasters to reinstate in some form. The code decreed that "illicit sex relations are not treated as commendable." So much for prime time. It insisted that "attacks on religion and religious faiths are not allowed" and that clergy "under no circumstances are to be held up to ridicule." So much for TV movies about Jim Bakker and kiddie-diddling priests. "The presentation of cruelty, greed and selfishness as worthy motivations is to be avoided." Farewell reality TV. "Unfair exploitation of others for personal gain shall not be presented as praiseworthy." Donald Trump: You're fired!

But it's not just about sex and the religious right. It's also about political correctness and the left. We live in an age of offense. The cardinal sin today is to offend; the clearest badge of victimhood is to be offended. Sadly, I hear some refuse to defend Stern and his speech because "he offends." Well, the First Amendment is often defended on the backs of the offensive: Larry Flynt or the KKK. But I won't lump Stern in with them. For, judged in the whole, Stern is not offensive.

Let me tell you why I am such a Howard Stern fan. Until I reviewed his show for *TV Guide*, I had heard the same snippets, quotes and characterizations you had. I thought he was best taken in small doses. But after listening to him for a few weeks, I discovered that, to the contrary, he is best taken in large doses. For then you discover that Stern is charming, likable, decent, funny, a talented entertainer, a great interviewer, and—more than anything—honest.

Stern is an antidote to all the overpackaged, smiley, phony, condescending pap of personality in American media and entertainment. In an age of predictable news (shouldn't news be just the opposite?) and political correctness and numbing national rhetoric, Stern cuts through the crap and says what he thinks—and what many of us think. And that is incredibly refreshing. No, it's liberating.

Let's be honest: We don't all talk like Hallmark cards and human resources directors. When we sit in the bar with friends, we gossip about people we hate; we joke about sex. And on our couches, when we watch the news, we think thoughts we won't admit. Stern admits them.

Is he sexist? By many definitions, sure. But unlike many a wolf in sensitive-man clothing, he's straightforward about it. Is he racist? No. He has racists on the show, and he ridicules them because idiots are entertaining. Admit it: When you watch reality shows, you love to make fun of the fools on them, and that's not necessarily something to be proud of—but making fun of racist bozos is. Stern gives us credit for knowing they're offensive; he doesn't have to explain that to us or protect us from it. The nannies and the PC police only insult our intelligence when they think they need to save us.

Stern shies away from no sacred cow. He is a positive force in American media. Just as weblogs tweak big media to keep them honest, Stern pushes the line to keep politicians and celebrities and his audience honest. So I like to listen to him. If you don't, fine. Listen to something else. I won't stop you. Just don't stop me.

And there's the real question: If the government is going to regulate speech, where's the line and who's going to draw it? Is it at the least-common-denominator that makes *all* media safe for 5-year-olds? Is it at the church door that makes all media safe for church ladies? Is it at my car door so I can still listen to Stern? Is the line going to be drawn just on broadcast or will it extend to cable and satellite—and the Internet? Will the censored be just shock jocks—or newsmakers or bloggers?

I couldn't say it better than Michael Powell—the old, free-

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dom-loving Michael Powell—did in 1999 when he accepted the Freedom of Speech Award (which one assumes is now hanging in his bathroom): "I have gained a deep and profound respect for the wisdom of having an unwavering principle that stands at the summit of the Constitution, and holds: 'Government shall make no law abridging the freedom of speech.'... Benevolent or not, we did not sign away to a Philosopher-King the responsibility to determine for us, like a caring parent, what messages we should and should not hear."

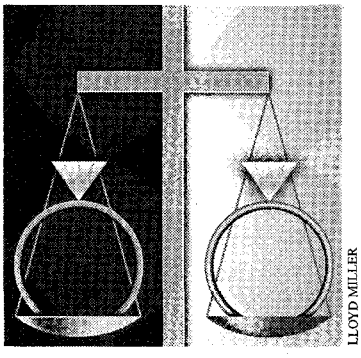
So to the barricades, edgy elite! This is not just about Howard Stern. It's not just about Bono or The Breast. It's about our First Amendment. It's about our freedom of speech. It's about us. ■

THE MARRIAGE-EQUALITY MOVEMENT CONFRONTS ANTIGAY SENTIMENT AMONG BLACKS.

Homophobia of All Hues

CHRISTOPHER LISOTTA

In a matter of months, same-sex marriage has gone from being the utopian dream of a few wild-eyed gay activists to an imminent reality that has the religious right in a state of apoplexy. Lines are being drawn quickly, with the usual suspects taking their presumed places. On one side, liberals and gay-rights advocates cheer as brash mayors and county commissioners from San Francisco to upstate New York use what powers they have to grant gays and lesbians the license to wed; on the other, social conservatives hail the transformation of the Federal Marriage Amendment from right-wing lost cause to hallmark of President Bush's reelection agenda. But for both "traditional marriage" and "marriage equality" advocates, the hearts, minds and votes of one group is up for grabs—the African-American community.



LLOYD MILLER

At virtually every traditional-marriage rally, African-American religious leaders have played a prominent role. And on the first day of Senate hearings on the Federal Marriage Amendment, the Rev. Richard Richardson of the predominantly black St. Paul AME Church spoke out strongly for its passage. The website of the conservative Alliance for Marriage features pictures of African-American families bathed in the glow of happy man-woman marriage. There's also a not-so-happy picture of the Rev. Walter Fauntroy, the former Congressional delegate for Washington, DC, and one of the organizers of the 1963 March on Washington, who opposes marriage rights for same-sex couples. The site proudly touts a Wirthlin Poll showing that blacks and Hispanics support the Federal Marriage Amendment at higher percentages than does the population as a whole.

The religious right's technique of allying itself with notable members of the black clergy is not a new strategy. In the early 1990s, when a spate of antigay ballot initiatives showed up in a number of states and cities, an especially destructive scenario played out in Cincinnati. In 1992 the City Council passed a human rights ordinance banning discrimination in housing and employment based on a number of things, including race, gender and sexual orientation. Within a year, a conservative coalition formed to remove only the sexual orientation provision from the law, through the ballot initiative Issue 3. The group, which chose to call itself Equal Rights, Not Special Rights, found a powerful spokesperson in K.Z. Smith, the African-American pastor of Corinthian Baptist Church. "The first thing out of his mouth was 'they already have all the rights they need, and not only that, they are trying to hijack our civil rights movement,'" said African-American lesbian activist Mandy Carter, who fought Issue 3. The measure passed with more than 60 percent of the vote in a city that was almost 40 percent African-American. After prolonged legal challenges, Issue 3 was narrowly voted into law by the City Council.

The same dynamic that fueled the Cincinnati debacle is now emerging at the federal level and in states like Georgia, where African-American elected officials are trying to balance equality for all with the moral norms expressed by many of their community's religious leaders. For black social conservatives, the equation is simple but powerful: A radical group of rich white gays are trying to usurp the civil rights movement for their own special agenda at the expense of the African-American community's traditional God-fearing values.

On March 31 this view held sway in Georgia, when the Democratic-controlled Statehouse passed a measure that would place a same-sex marriage ban on the November ballot. Just a few weeks earlier, a similar measure had been defeated, with nearly all of Georgia's black House members either voting against it or abstaining. But by the end of March several of the abstainers were facing pressure to vote yes—from African-American clergy. A crucial handful caved in and the measure passed. Representative Ron Sailor, a House member and a minister, was appalled. "This limited the freedom of people," he said. "That's unacceptable for a member of the minority caucus to be limiting freedom of another minority."

The political lessons of events like these have not been lost on African-American activists in the LGBT community, who have fired back by forming a new organization, the National Black Justice Coalition. The Justice Coalition is developing its own list of African-American religious leaders who believe in marriage equality, and it boasts a group of supporters that includes Coretta Scott King; the Rev. Al Sharpton; James Forbes of Harlem's River-

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side Church; the Rev. William Sinkford, president of the Unitarian Universalist Association; Harvard University's Rev. Peter Gomes; Interdenominational Theological Center faculty member Randall Bailey; and Glide Memorial Church's Rev. Cecil Williams.

The task facing out-and-proud African-American gay activists working within their community—including churches—is as urgent as it is difficult, since it means forcing African-Americans to finally confront the issue of homophobia, and to explore why this otherwise tolerant community still can't seem to accept its queer sons and daughters.

Among many African-Americans, the very subject of homosexuality "raises so many troubling questions around ideas of masculinity," explained Angela Dillard, assistant professor of history and politics at New York University. "For a community that has already suffered various forms of emasculation to have this is—well, it's simply too troubling. And that along with the strange idea among African-Americans that it's really a white thing. I think it's something that says that homosexuality is necessarily alien, and it's yet another thing white people have poisoned our community with." The struggle to balance community expectations with sexual desires has fostered the emergence of a subculture in which African-American men live on the "down low," where straight public life and a private world of gay sex are never supposed to meet. Once a taboo subject even in gay circles, down-low culture has become such a mainstream topic (and such a threat to black women, who are being exposed to HIV through their down-low husbands and boyfriends) that Oprah Winfrey recently devoted a whole episode of her talk show to it.

Blacks for 'traditional marriage' jump on civil rights analogies as evidence that uppity gays are trying to co-opt black history.

The Justice Coalition has been trying to change the dynamic by working friendly religious leaders, political operatives and the media to get out the message that neither the African-American community nor the LGBT community is as monolithic as is often supposed—black gay and lesbian families suffer as much from not having legal protections as white gay and lesbian families. In the marriage lawsuit in Massachusetts, as well as similar cases working their way through the courts in New Jersey, Washington and California, gay and lesbian couples of color have been claimants.

To the Justice Coalition's surprise, the group received unsolicited words of support from Julian Bond, chairman of the board of the NAACP. Although the NAACP is one of many people-of-color groups to oppose the Federal Marriage Amendment, Bond took it one step further, coming out personally in favor of same-sex marriage. Bond said of black ministers who are complaining, "If they have real objections to gay marriage then they ought not to perform them, but they ought not prohibit the state from permitting them from being performed." He also gives cover to people like New Paltz, New York, mayor Jason West, who touched some nerves among civil rights veterans when he said, "The people who would forbid gays from marrying in this country are those who would have made Rosa Parks sit in the back of the bus." Social conservatives and traditional-marriage supporters in the black community jump on such analogies as evidence that uppity gays are attempting to co-opt black history. Bond wasn't thrilled with the direct comparison either, but he believes they require a more sensitive and nuanced response. "To suggest that Rosa Parks and the couple that are trying to marry in San Francisco are precisely the same is just not true," he said. "But there are enough similarities for us to be understanding of, and supportive of, any person who is discriminated against for any reason."

With twenty-six states debating marriage amendments, and the fight over the federal amendment looming, the stakes may be higher than most marriage-equality supporters would like. But the debate has helped force the African-American LGBT community out of the closet, and may help redefine its place within the church. "The black church is the most homophobic and the most homo-tolerant institution in the black community at the same time," said Keith Boykin, a gay black author and former Clinton White House aide, who helped form the Justice Coalition along with Mandy Carter. "Homophobic because of the official fire-and-brimstone message that comes from the minister quite often, but behind the minister, in the choir…there are plenty of gays and lesbians in the church, and nobody ever tells them to leave."

Dillard echoed this description. "Yes, you have the choir director, yes people are embracing him," she explained, "but he's not being really demonstrative with his lover on a Sunday morning. When all these gay choir directors started dying with AIDS, the church refused to talk about it. So there's a big question about what was going on around that. How come the church didn't reach out to its choir director at that moment when it was a matter of life and death?"

Meanwhile, some gay activists emphasize that to win more black support, the larger gay movement needs to broaden its agenda and political strategy. "Has our community done enough in the past to reach out to the people-of-color community and their leadership?" asks National Gay and Lesbian Task Force executive director Matt Foreman. "We definitely have not. When organizations such as ours have taken a position on choice, on affirmative action, we've been attacked as being not a true gay rights organization. [But] we understand that unless you're with other communities on their issues, they are not going to be there for you." As gay groups such as NGLTF increasingly recognize, one natural occasion for an alliance with progressive black organizations is in opposing "marriage promotion" schemes for low-income and disproportionately minority women, which are, not coincidentally, advanced by the very same defenders of "traditional marriage" driving the campaign against gay marriage.

Boykin isn't one to let gay groups off the hook, but he said change starts at home: "I've been disappointed with the black LGBT community, that we haven't done more—not only on the marriage issue but on a number of issues, including the HIV/AIDS issue. We've gotten resistance from people who are black, gays and lesbians who think we shouldn't be doing this: 'This is not our priority, this is a white gay agenda, and once the white gay folk get their marriage rights they won't care about us.' That could be true, for all I know, but that doesn't mean it's not the right fight."

Like Carter and Boykin in the past, Nadine Smith, executive director of the LGBT rights group Equality Florida, describes herself as "living at the intersection of both communities." She has

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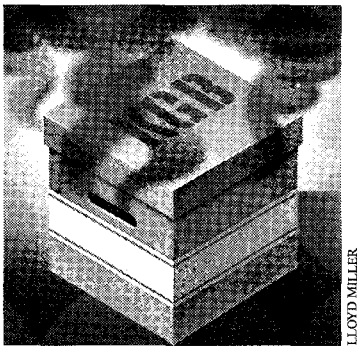
strong words for black ministers offended by the parallels drawn between same-sex marriage rights and the civil rights movement, pointing out that gay icons like Bayard Rustin and James Baldwin played an important part in securing rights for all people of color. "I believe there are black ministers who have reflexively joined a right-wing agenda and have become allies with the same folk who have stood in the way of our progress as African-Americans, but the longer the conversation goes on—and the polling bears this out—the more you have a shift in attitude," she said. "I'm not afraid of the conversations that are being provoked." ■

CRITICS SEE HIM AS UNFIT TO OVERSEE RECORDS, NOTING HIS DUBIOUS ETHICAL STANDARDS.

The Archives and Allen Weinstein

JON WIENER

The White House nomination of Allen Weinstein, a historian of Soviet espionage, as archivist of the United States has caused a storm of protest in the normally quiet world of archivists and historians. Nineteen organizations, including the Society of American Archivists and the Organization of American Historians, have issued a joint statement expressing concern and calling on the Senate, which must confirm the nomination, to hold hearings to find out why the current archivist is being replaced and whether Weinstein is qualified. That call was heeded; hearings will be held "in the coming weeks," according to a Senate spokesperson.



LLOYD MILLER

The groups' first concern is that the nomination appears to be a political move, while the position of archivist was supposed to have been depoliticized. Weinstein has close ties to Republicans in Congress, and the board of his Center for Democracy includes Henry Kissinger. The archivist should be a non-political appointment because, as the custodian of the nation's history, the person is confronted with issues that have major political consequences—from the JFK assassination records to the Nixon White House tapes. Decisions about access ought to be nonpartisan; that's why the archivist's term is not linked to the President's. It is indefinite, and the archivist can be fired by the President only for cause. There was no need to replace the present archivist, John Carlin, a Clinton appointee; Carlin had made it clear that he intended to remain at his post until July 2005. He did announce on April 8 that he would leave before that—reportedly in response to White House pressure—but declared in his statement that he is not resigning until his successor is sworn in.

Why, then, has the White House nominated a new archivist? Many speculate that George W. Bush, as well as his father, thinks the younger Bush may lose the election, and they want their man in control of their archives before that happens. The new archivist will deal with access to the papers of the 9/11 Commission after it closes up shop in August and with the release of the archives of the presidency of Bush Senior, which, under the Presidential Records Act, can be made public starting in 2005 (except, of course, for classified documents). These records include, for example, documents on Bush Senior's role in the Iran/*contra* scandal of the late 1980s, when he was Reagan's Vice President. And if Bush Junior does lose the election, the new archivist would have a third new task: appointing a director for the Bush Junior presidential archives.

Whatever Bush's motives may be, Weinstein, who declined a request for an interview, is considered by many archivists and historians to be unqualified on ethical grounds. They point to his buying exclusive access to restricted archives and his withholding of archival materials from other scholars, which appear to violate the ethical standards of the archivists' and historians' organizations. The Senate should consider these issues in confirmation hearings.

For Weinstein's 1998 book *The Haunted Wood: Soviet Espionage in America—The Stalin Era*, his publisher, Random House, in 1993 paid a group of retired KGB agents a substantial amount of money—Weinstein has told people $100,000—in exchange for "exclusive" access to the KGB archives (see Ellen Schrecker, "The Spies Who Loved Us?" May 24, 1999). This appears to violate the code of ethics of the International Council on Archives, which calls for "the widest possible access" to documents.

In contrast, when Yale University Press obtained access to the Moscow archives of the Communist Party, editors pledged to make their documents available to other researchers. Jonathan Brent, now editorial director of the Annals of Communism series at Yale, explained to the *New York Times* that Yale made that pledge because "we want to enhance scholarship, not impede it." Commercial publishers of course want exclusive access in order to make a profit, but the US archivist should be held to a higher standard. Joyce Appleby, past president of the American Historical Association and emeritus professor of history at UCLA, told me that "buying exclusive access raises serious ethical questions." Senate confirmation hearings should consider this issue a well.

Brent added that "KGB files are very problematic from the standpoint of authenticity and reliability," which makes it all the more important for other scholars to see the materials Weinstein used in his research. But the Russian government withdrew access to the KGB archives for Weinstein's co-author, Alexander Vassiliev, and everyone else. Amy Knight, a scholar of Soviet

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history, wrote in *The Wilson Quarterly* that the consequences of this problem were that "many of the standards by which scholars traditionally judge historical writings have been lowered, or discarded altogether," in works like *The Haunted Wood*.

Similar objections to the Weinstein book were raised by Anna Nelson of American University, who has extensive experience in governmental archives policy. She was partly responsible for the drafting of the Presidential Records Act of 1978, and she was a member of the John F. Kennedy Records Review Board, which won the release of tens of thousands of pages of assassination-related documents. Writing about *The Haunted Wood* in the *Chronicle of Higher Education*, Nelson described the "special access" given to Weinstein and co-author Vassiliev, as "problematical." "Many questions could be answered if other scholars could examine the same records," she wrote. "But Russian officials have now closed the KGB files to researchers, and we have no way to confirm the contents of this book." The result is that scholars are unable to make a judgment about Weinstein's work. I asked Nelson what she thought about the nomination of Weinstein to be archivist. "I don't think he's qualified," she said.

A related problem concerns Weinstein's documentation of his sources in *The Haunted Wood*. On this point he has been criticized even by people who agree with his conclusions. Sam Tanenhaus, now editor of the *New York Times Book Review* and author of the leading biography of Whittaker Chambers, criticized *The Haunted Wood* in *The New Republic*, where Weinstein has often published. Tanenhaus wrote that he agreed with Weinstein about Alger Hiss and Chambers, but that *The Haunted Wood* was marred by what he called Weinstein's "failure" to document his sources properly. According to Tanenhaus, Weinstein did not use the accepted system of referencing these archival documents, which he attributed to Weinstein's "weakness for mystification"—not a quality you want in the archivist of the United States.

Weinstein has also withheld research materials from other scholars—another ethical violation—refusing to make his interviews for his earlier book, *Perjury* (on the Hiss case), available to historians who disagree with him. This violates the Standards of the American Historical Association (see Victor Navasky, "Allen Weinstein's Docudrama," November 3, 1997). Published in 1978, the book presented new evidence that Hiss, the prominent New Deal figure accused of espionage in 1948 by the former Communist Chambers, was guilty as charged. Most reviewers said Weinstein's new evidence laid the case to rest. Weinstein's research was challenged, however, by Navasky, publisher and editorial director of *The Nation*, who contacted six of Weinstein's key sources and found that each said he or she had been misquoted or otherwise misrepresented in the book.

Weinstein replied on national TV that he had tape recordings of his interviews to prove he had quoted them correctly. He invited Navasky "and anyone else" to hear the tapes; Navasky accepted. But when Navasky and two colleagues from *The Nation* arrived at Weinstein's home at the agreed-upon time, Weinstein refused to let them hear the tapes. Weinstein then stated in *The New Republic*, "All my files and tapes will be available to Victor Navasky and everyone else at the Truman Library later this year. I have been inundated with requests from scholars and others for access to these materials, and have decided this is

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the best way to provide it without totally disrupting my life and other work."

That was 1978. Twenty-six years later, Weinstein has yet to deposit the tapes at the Truman Library or any other archive. Weinstein's continuing refusal to make the disputed materials available to other scholars violates the AHA "Statement on Standards of Professional Conduct," adopted in 1987, which states that historians should "make available to others their sources, evidence, and data, including the documentation they develop through interviews." Weinstein is also not complying with the 1989 AHA "Statement on Interviewing for Historical Documentation," developed jointly with the Oral History Association, the Organization of American Historians and the Society of American Archivists; it declares that "interviewers should arrange to deposit their interviews in an archival repository that is capable of...making them available for general research."

In a 1991 telephone interview, Weinstein, by then president of the Center for Democracy in Washington, DC, told me, "I'm happy to say to that I'm happy to consider any request from any scholar for specific files they would like to look at." But to "consider" requests from other scholars is different from what the AHA Standards of Professional Conduct require: depositing the interviews "in an archival repository that is capable of...making them available for general research." Weinstein went on to say, "I'm happy to donate all the material to the Truman Library; the question is under what conditions." The AHA statement clearly states the conditions: "free, open, equal, and nondiscriminatory access." Truman Library archivist Dennis Bilger, who retired in December 2003, told me that Weinstein "did finally sign the deed of gift, but he never sent copies of the interviews to the Truman Library." Bilger concluded that Weinstein had not complied with the code of ethics of the Society of American Archivists.

Weinstein's interviews on Chambers and Hiss provide vital evidence about a central event in the history of the cold war. Garry Wills, who agrees with Weinstein that Hiss was guilty, told me, "Weinstein said he would donate the tapes; clearly he should do it." He should be asked about that at the Senate hearings.

Weinstein has also been charged with other improprieties and misrepresentation in *The Haunted Wood* by an unlikely source: his co-author, Alexander Vassiliev. In the course of a recent trial in London, Vassiliev complained, as he had done earlier, that, among other derelictions, Weinstein never showed him the manuscript before it was published. If true, that is clearly improper. Weinstein doesn't read Russian—the deal with the former KGB agents permitted Vassiliev to see documents that he was told were from the archives, which he translated into English for Weinstein. Thus Weinstein has never seen the documents on which his book is based. This is a problem, because Vassiliev has told at least one interviewer—Susan Butler, biographer of Amelia Earhart—that he disagreed with some of Weinstein's claims about KGB documents that appear in the book. If Vassiliev is right that Weinstein has misrepresented the documents, that could disqualify him for the archivist position. Vassiliev should be invited to testify at the confirmation hearings.

Another issue relevant to Weinstein's nomination concerns the sources of funding for his Center for Democracy. The Center's IRS returns list contributions of $2.9 million during 2000–01 from one contributor—this could be a foundation or individual donor—whose identity is blacked out (which is normal IRS practice). Where did this money come from? That's a question that Weinstein should answer at confirmation hearings.

Whatever one thinks of Weinstein's conclusions about Soviet espionage, his methods of dealing with archives have been problematic from an ethical standpoint. A nominee for archivist should be held to the highest standards. Weinstein is not the right choice for this job. ■

EXCHANGE
CONTINUED

(Continued From Page 2)

them—the ones who all agree on everything—and was now just another prayer! I have not said the Pledge since. DIANE DESANDERS

Grand Marais, Minn.

■ If God is in everything, *is* indeed everything, from woman to the plastic in my child's action figure, there is no "under" for this nation to use in positioning itself. And that is what's wrong with religious cant in the public arena. Those of us who embrace a universal, infinite concept of god are contradicted. When I teach my children one thing, and those subscribing to a primitive religiosity insist that their version be splashed all over like acid rain, conditioning my children by constant repetition, it impinges upon my freedom of religion. MICKEY SHELL

Ithaca, NY

■ As a schoolchild in the 1950s I was told the phrase "under God" was put in the Pledge so that we wouldn't be like Nazis and think "my country right or wrong" but would realize there was a higher law all countries had to answer to. So I have thought "under God" a humbling and helpful phrase to have in the Pledge. Perhaps taking to heart that simple phrase—as defined by my grade school teacher—could have kept us from waging war on Iraq. JUDY JENSVOLD

St. Augustine, Fla.

■ I agree with the late Texas Congressman Henry Gonzalez, who strenuously objected to the practice that preceded Congressional sessions. He compared the Pledge to the Nazi incantation, "*Sieg Heil! Sieg Heil!*" Gonzalez told the House: "Some people think the Pledge comes with the Declaration of Independence. That downgrades Thomas Jefferson, for the great Virginian would *never* have concocted that sort of banal recital!"

DAVID THUNDERSHIELD QUEEN

New York City

■ With regard to the Pledge of Allegiance controversy, how about: "One nation under Godzilla"? CHARLOTTE POMERANTZ MARZANI

Brevard, NC

■ This whole messy bickering about separation of church and state and the inclusion of a deity in our Pledge can be resolved by adopting the prescient wording of my daughter, D'Arcy, who as a 5-year-old proudly repeated what she had learned on her first day of school: "One nation, under guard..." DON RICHARDSON

SIFTON REPLIES

New York City

■ I guess I wasn't alone in thinking that the Pledge needs to lose its sacrosanct status, as well as the "under God" phrase. But given the tone of many of these letters, it may be worth stressing again that Justice Jackson's 1943 decision indeed prohibits the state from requiring anyone—teacher or pupil—to recite the Pledge. It is regrettable if this is not fully understood and accepted at all levels. The only remaining constitutional question raised in *Newdow*, then, is whether it is unconstitutional to have to *listen* to the Pledge being recited. ELISABETH SIFTON

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COMMENT

(Continued From Page 6)

imitate Florida's system of computerizing voter files. The law then empowers fifty secretaries of state—fifty Katherine Harrises—to purge these lists of "suspect" voters.

The purge is back, big time. Following the disclosure in December 2000 of the black voter purge in Britain's *Observer* newspaper, NAACP lawyers sued the state. The civil rights group won a written promise from Governor Jeb and from Harris's successor to return wrongly scrubbed citizens to the voter rolls. According to records given to the courts by ChoicePoint, the company that generated the computerized lists, the number of Floridians who were questionably tagged totals 91,000.

Willie Steen is one of them. Recently, I caught up with Steen outside his office at a Tampa hospital. Steen's case was easy. You can't work in a hospital if you have a criminal record. (My copy of Harris's hit list includes an ex-con named O'Steen, close enough to cost Willie Steen his vote.) The NAACP held up Steen's case to the court as a prime example of the voter purge evil.

The state admitted Steen's innocence. But a year after the NAACP won his case, Steen still couldn't register. Why was he still under suspicion? What do we know about this "potential felon," as Jeb called him? Steen, unlike our President, honorably served four years in the US military. There is, admittedly, a suspect mark on his record: Steen remains an African-American.

If you're black, voting in America is a game of chance. First, there's the chance your registration card will simply be thrown out. Millions of minority citizens registered to vote using what are called motor-voter forms. And Republicans know it. You would not be surprised to learn that the Commission on Civil Rights found widespread failures to add these voters to the registers. My sources report piles of dust-covered applications stacked up in election offices.

Second, once registered, there's the chance you'll be named a felon. In Florida, besides those fake felons on Harris's scrub sheets, some 600,000 residents are legally barred from voting because they have a criminal record in the state. That's one state. In the entire nation 1.4 million black men with sentences served can't vote, 13 percent of the nation's black male population.

At step three, the real gambling begins. The Voting Rights Act of 1965 guaranteed African-Americans the right to vote—but it did not guarantee the right to have their ballots counted. And in one in seven cases, they aren't.

Take Gadsden County. Of Florida's sixty-seven counties, Gadsden has the highest proportion of black residents: 58 percent. It also has the highest "spoilage" rate, that is, ballots tossed out on technicalities: one in eight votes cast but not counted. Next door to Gadsden is white-majority Leon County, where virtually every vote is counted (a spoilage rate of one in 500).

How do votes spoil? Apparently, any old odd mark on a ballot will do it. In Gadsden, some voters wrote in Al Gore instead of checking his name. Their votes did not count.

Harvard law professor Christopher Edley Jr., a member of the Commission on Civil Rights, didn't like the smell of all those spoiled ballots. He dug into the pile of tossed ballots and, deep in the commission's official findings, reported this: 14.4 percent of black votes—one in seven—were "invalidated," i.e., never counted. By contrast, only 1.6 percent of nonblack voters' ballots were spoiled.

Florida's electorate is 11 percent African-American. Florida refused to count 179,855 spoiled ballots. A little junior high school algebra applied to commission numbers indicates that 54 percent, or 97,000, of the votes "spoiled" were cast by black folk, of whom more than 90 percent chose Gore. The nonblack vote divided about evenly between Gore and Bush. Therefore, had Harris allowed the counting of these ballots, Al Gore would have racked up a plurality of about 87,000 votes in Florida—162 times Bush's official margin of victory.

That's Florida. Now let's talk about America. In the 2000 election, 1.9 million votes cast were never counted. Spoiled for technical reasons, like writing in Gore's name, machine malfunctions and so on. The reasons for ballot rejection vary, but there's a suspicious shading to the ballots tossed into the dumpster. Edley's team of Harvard experts discovered that just as in Florida, the number of ballots spoiled was—county by county, precinct by precinct—in direct proportion to the local black voting population.

Florida's racial profile mirrors the nation's—both in the percentage of voters who are black and the racial profile of the voters whose ballots don't count. "In 2000, a black voter in Florida was ten times as likely to have their vote spoiled—not counted—as a white voter," explains political scientist Philip Klinkner, co-author of Edley's Harvard report. "National figures indicate that Florida is, surprisingly, typical. Given the proportion of nonwhite to white voters in America, then, it appears that about half of all ballots spoiled in the USA, as many as 1 million votes, were cast by nonwhite voters."

So there you have it. In the last presidential election, approximately 1 million black and other minorities voted, and their ballots were thrown away. And they will be tossed again in November 2004, efficiently, by computer—because HAVA and other bogus reform measures, stressing reform through complex computerization, do not address, and in fact worsen, the racial bias of the uncounted vote.

One million votes will disappear in a puff of very black smoke. And when the smoke clears, the Bush clan will be warming their political careers in the light of the ballot bonfire. HAVA nice day.

GREG PALAST

Greg Palast (www.gregpalast.com) investigated the purge of black voters in Florida for The Nation *and BBC television. This article is based on new material included in his just-released, expanded election edition of* The Best Democracy Money Can Buy *(Plume).*

ON THE WEB: In his Capital Games weblog, David Corn remembers Mary McGrory, a journalist who regarded it a great honor to have made Nixon's enemies list and whom Corn considers "the best liberal newspaper columnist of the latter twentieth century." Plus, Hillary Frey reports on the historic April 25 March for Women's Lives. At www.thenation.com.

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LOOKOUT

(Continued From Page 10)

chief envoy Paul Bremer to decide to take Sadr out, the provocation that sparked the Shiite uprising.

The UN has proved equally deaf to calls to replace the US military occupation with a peacekeeping operation. On the contrary, it has made it clear that it will only re-enter Iraq if it is the United States that guarantees the safety of its staff—seemingly oblivious to the fact that being surrounded by American bodyguards is the best way to make sure that the UN will be targeted. "We have an obligation since [the attack on UN headquarters] last summer to insist on clarity and on what is being asked of us," Edward Mortimer, a senior aide to Secretary General Kofi Annan, told the *New York Times*. "What are the risks? What kind of guarantees can you give us that we are not going to be blown up? And is the job important enough to justify the risk?"

Even in light of that horrific bombing, this is a stunning series of questions coming from a UN official. Do Iraqis have guarantees that they won't be blown up when they go to the market in Sadr City, when their children get on the school bus in Basra, when they send their injured to a hospital in Falluja? Is there a more important job for the future of global security than peacemaking in Iraq?

Iraqis are begging the UN to live up to its mandate. Yet just when it is needed most, it is at its most compromised and cowardly.

The UN's greatest betrayal of all comes in the way it is re-entering Iraq: not as an independent broker but as a glorified US subcontractor, the political arm of the continued US occupation. The post–June 30 caretaker government being set up by UN envoy Lakhdar Brahimi will be subject to all the restraints on Iraqi sovereignty that sparked the current uprising in the first place. The United States will maintain full control over "security" in Iraq, including over Iraq's army. It will keep control over the reconstruction funds. And, worst of all, the caretaker government will be subject to the laws laid out in the interim constitution, including the clause that states that it must enforce the orders written by the US occupiers. The UN should be defending Iraq against this illegal attempt to undermine its independence. Instead it is disgracefully helping Washington to convince the world that a country under continued military occupation by a foreign power is actually sovereign.

Iraq badly needs the UN as a clear, independent voice in the region. The people are calling out for it, begging the international body to live up to its mandate as peacemaker and truth teller. And yet just when it is needed most, the UN is at its most compromised and cowardly.

There is a way that the UN can redeem itself in Iraq. It could choose to join the mutiny, further isolating the United States. This would help force Washington to hand over real power—ultimately to Iraqis but first to a multilateral coalition that did not participate in the invasion and occupation and would have the credibility to oversee direct elections. This could work, but only through a process that fiercely protects Iraq's sovereignty. That means:

Ditch the Interim Constitution. The interim constitution is so widely hated in Iraq that any governing body bound by its rules will immediately be seen as illegitimate. Some argue that Iraq needs the interim constitution to prevent open elections from delivering the country to religious extremists. Yet according to a February 2004 poll by Oxford Research International, Iraqis have no desire to see their country turned into another Iran. Asked to rate their favored political system and actors, 48.5 percent of Iraqis ranked a "democracy" as most important, while an "Islamic state" received 20.5 percent support. Asked what type of politician they favored, 55.3 percent chose "democrats," while only 13.7 percent chose religious politicians. If Iraqis are given the chance to vote their will, there is every reason to expect that the results will reflect a balance between their faith and their secular aspirations.

There are also ways to protect women and minority rights without forcing Iraq to accept a sweeping constitution written under foreign occupation. The simplest solution would be to revive passages in Iraq's 1970 Provisional Constitution, which, according to Human Rights Watch, "formally guaranteed equal rights to women and...specifically ensured their right to vote, attend school, run for political office, and own property." Elsewhere, the constitution enshrined religious freedom, civil liberties and the right to form unions. These clauses can easily be salvaged, while striking the parts of the document designed to entrench Baathist rule.

Put the Money in Trust. A crucial plank of managing Iraq's transition to sovereignty is safeguarding its national assets: its oil revenue and the remaining oil-for-food program money (currently administered by the United States with no oversight), as well as what's left of the $18.4 billion in reconstruction funds. Right now the United States is planning to keep control of this money long after June 30; the UN should insist that it be put in trust, to be spent by an elected Iraqi government.

De-Chalabify Iraq. The United States has so far been unable to install Ahmad Chalabi as the next leader of Iraq—his history of corruption and lack of a political base have seen to that. Yet members of the Chalabi family have quietly been given control in every area of political, economic and judicial life. It was a two-stage process. First, as head of the De-Baathification Commission, Chalabi purged his rivals from power. Then, as director of the Governing Council's Economic and Finance Committee, he installed his friends and allies in the key posts of Oil Minister, Finance Minister, Trade Minister, Governor of the Central Bank and so on. Now Chalabi's nephew, Salem Chalabi, has been appointed by the United States to head the court trying Saddam Hussein. And a company with close ties to Chalabi landed the contract to guard Iraq's oil infrastructure—essentially a license to build a private army.

It's not enough to keep Chalabi out of the interim government. The UN must dismantle Chalabi's shadow state by launching a de-Chalabification process on a par with the now abandoned de-Baathification process.

Demand the Withdrawal of US Troops. In asking the United States to serve as its bodyguard as a condition of re-entering Iraq, the UN has it exactly backwards: It should only go in if the United States pulls out. Troops who participated in the invasion and

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occupation should be replaced with peacekeepers—preferably from neighboring Arab states—working under the extremely limited mandate of securing the country for general elections. With the United States out, there is a solid chance that countries that opposed the war would step forward for the job.

On April 25 the *New York Times* editorial board called for the opposite approach, arguing that only a major infusion of American troops and "a real long-term increase in the force in Iraq" could bring security. But these troops, if they arrive, will provide security to no one—not to the Iraqis, not to their fellow soldiers, not to the UN. American soldiers have become a direct provocation to more violence, not only because of the brutality of the occupation in Iraq but also because of US support for Israel's deadly occupation of Palestinian territory. In the minds of many Iraqis, the two occupations have blended into a single anti-Arab outrage, with Israeli and US soldiers viewed as interchangeable and Iraqis openly identifying with Palestinians.

Without US troops, the major incitement to violence would be removed, allowing the country to be stabilized with far fewer soldiers and far less force. Iraq would still face security challenges—there would still be extremists willing to die to impose Islamic law as well as attempts by Saddam loyalists to regain power. On the other hand, with Sunnis and Shiites now so united against the occupation, it's the best possible moment for an honest broker to negotiate an equitable power-sharing agreement.

Some will argue that the United States is too strong to be forced out of Iraq. But from the start Bush needed multilateral cover for this war—that's why he formed the "coalition of the willing," and it's why he is going to the UN now. Imagine what could happen if countries keep pulling out of the coalition, if France and Germany refuse to recognize an occupied Iraq as a sovereign nation. Imagine if the UN decided not to ride to Washington's rescue. It would become an occupation of one.

The invasion of Iraq began with a call to mutiny—a call made by the United States. In the weeks leading up to last year's invasion, US Central Command bombarded Iraqi military and political officials with phone calls and e-mails urging them to defect from Saddam's ranks. Fighter planes dropped 8 million leaflets urging Iraqi soldiers to abandon their posts and assuring that no harm would come to them.

Of course, these soldiers were promptly fired when Paul Bremer took over and are now being frantically rehired as part of the reversal of the de-Baathification policy. It's just one more example of lethal incompetence that should lead all remaining supporters of US policy in Iraq to one inescapable conclusion: It's time for a mutiny. ■

In Fact . . .

GIVE ME YOUR CORPORATE BIG BUCKS...

■ Recently, a nearly forgotten entity known as the Statue of Liberty–Ellis Island Foundation emerged blinking into the sunlight of journalistic attention. News stories reported that the Senate Finance Committee is looking into the foundation's operations and the fat salaries drawn by its executives. The National Park Service had abdicated to a private foundation the task of upgrading the security of the Statue of Liberty, closed since 9/11. Rather than draw on its endowment of $31 million to pay for the work, the foundation launched a fundraising campaign, raking in $5.9 million from corporate donors so far. Anyone who recalls the definitive *Nation* series, "The Selling of Miss Liberty" (starting November 9, 1985), by Roberta Brandes Gratz and Eric Fettmann, will not be surprised by the latest revelations. Gratz and Fettmann revealed the facts about the foundation's shadowy creation and its takeover of the job of renovating Lady Liberty and Ellis Island with accompanying lucrative contracts and franchises.

CASE NOT CLOSED ON 9/11

■ Richard Falk writes: The 9/11 Commission hearings have focused entirely on whether our leaders acted with due urgency, given the existence of warnings and clues that a major Al Qaeda attack in this country was in the offing. But there are some deeper concerns that have not been touched upon by the 9/11 Commission that relate to discrepancies between the official version of what happened on that fateful day in 2001 and what actually occurred. These discrepancies are credibly reported in a recently published book by the distinguished scholar David Ray Griffin titled *The New Pearl Harbor: Disturbing Questions About the Bush Administration and 9/11*. For there *are* many disturbing questions about the events of 9/11. The government has mobilized the country for war on the basis of its presentation of those happenings. We, as citizens, deserve to know more convincingly why so much doubt hovers over them. And what Griffin's book demonstrates, if nothing else, is that there is an overwhelming case for a far broader inquiry than what the 9/11 Commission has been authorized to undertake. Without invoking the credibility gap opened by discrepancies relating to the Iraq war—above all with respect to weapons of mass destruction and intelligence-spinning—a vigilant citizenry would demand even at this late date a formal inquiry of undoubted independence and with broad investigative authority. Such a process could be mandated by Congress at any time.

VICTORY FOR MEDICAL MARIJUANA

■ Having demonstrated its incompetence in preventing terrorism before 9/11, the Ashcroft Justice Department continues to terrorize distributors of marijuana for medical use. In California, however, where state law permits medical marijuana, the department has suffered a setback. On April 21, Federal District Judge Jeremy Fogel granted the Wo/Men's Alliance for Medical Marijuana, in Santa Cruz, a temporary injunction against federal raids on their pot garden. The collective grows and distributes marijuana free to its registered patients (three-quarters of whom are terminally ill), for use to relieve pain and other symptoms. Judge Fogel granted the injunction pending trial of the collective for violating federal anti-marijuana laws. The Drug Policy Alliance calls the ruling an "important victory for the medical marijuana movement."

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BOOKS & THE ARTS

The Unfinished Revolution

SEAN JACOBS

BEYOND THE MIRACLE: Inside the New South Africa.
By Allister Sparks.
Chicago. 370 pp. $32.50.

UNFINISHED BUSINESS: South Africa, Apartheid and Truth.
By Terry Bell, with Dumisa Ntsebeza.
Verso. 385 pp. $26.

PEOPLE WHO HAVE STOLEN FROM ME: Rough Justice in the New South Africa.
By David Cohen.
St. Martin's. 264 pp. $24.95.

I was 25 when I and the rest of black South Africa were eligible to vote for the first time. South Africa celebrated the tenth anniversary of that event this April.

For many observers of the past decade, South Africa has come to epitomize successful "democratic transition." They marvel at what is perceived as the wholesale transformation of South Africa's political and social foundation and the apparent consensus achieved between whites and blacks. This is what has come to be known as the "South African miracle."

The miracle fable goes something like this: Starting in February 1990, the last apartheid president, F.W. de Klerk, lifted the ban on liberation movements, most notably the African National Congress, released ANC leader Nelson Mandela from prison and reluctantly began negotiations for a new political system. On April 27, 1994, millions of South Africans of all races went to the polls for the first time, for an election that to the surprise of many went ahead peacefully. The results gave the ANC a comfortable majority. Consensus-style rule in a Government of National Unity (GNU) followed during the early phase of democratic rule. Two years later the legislature passed a new Constitution—one of the most liberal in the world, recognizing abortion rights, same-sex unions and the responsibility of the state to poor citizens—as well as a number of institutions that "strengthen constitutional democracy" such as a Human Rights Commission and a Commission for Gender Equality. Finally, in one of the most cathartic episodes in post-apartheid history, South African human rights offenders and their victims spoke openly of their experiences before the Truth and Reconciliation Commission (TRC), which put past atrocities on record "to a degree unequalled by any other post-conflict inquiry," as Allister Sparks, a leading South African journalist, puts it in his new book, *Beyond the Miracle*.

Even when de Klerk's National Party left the GNU shortly after the new Constitution was established, the aura did not fade, perhaps because of the hopes invested in it. The ANC government, especially then-President Nelson Mandela, worked hard to foster a climate of "reconciliation." In a pointed departure from the practice of many leaders on the African continent, Mandela stood down after one term, making way for South Africa's current president, Thabo Mbeki. Despite the imposing shadow Mandela cast over his successor, the new president initially cut an impressive figure. Mbeki charmed whites and business elites, and took popular and symbolically resonant steps toward ending South Africa's longstanding isolation from the continent. Two further sets of elections followed peacefully and freely. Moreover, civil society institutions proliferated, ready to guard against abuses by the state.

Ten years after the end of apartheid, South Africa is struggling with AIDS, poverty, crime—and the ghosts of its recent past.

Resilient and attractive as the myth of the miracle is, it tends to obscure some significant continuities in South African society. According to COSATU, the ANC-affiliated trade union, South Africa today ranks third

Sean Jacobs, a postdoctoral fellow of the International Center for Advanced Studies at New York University, is festival director of "Ten Years of Freedom: Films from the New South Africa" (New York City, April 27–May 2).

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among the most unequal societies in the world (after Brazil and Guatemala). Most estimates put poverty at 45 to 55 percent of the population. Unemployment stands at approximately 40 percent. Sixty percent of "Africans" (to use the terminology that apartheid has left tragically relevant) are poor, as compared with one in every hundred whites. Early on, the ANC flirted with redistributive policies. Within two years of the transition, however, the government—under pressure from the International Monetary Fund and the World Bank and threatened with capital flight—settled on the "Growth, Employment and Redistribution" (GEAR) policy, a neoliberal macroeconomic plan that promotes an "open economy" with relaxed exchange controls, foreign investment and privatization as motors of growth.

Not surprisingly, it has delivered only modest growth, and the promised foreign investment has not been forthcoming. According to Patrick Bond, a leftist political economist, South Africa has lost more jobs since 1994 than any country in history outside of wartime or depression. Land reform is moving forward at a glacial pace, about 3 million people are homeless, 18 million lack sanitation services and privatization has meant that millions more risk losing access to water they can't pay for. As if that weren't enough, South Africa has been hit with devastating force by a plague even more lethal than racism—AIDS. In 2000, 40 percent of adult deaths were caused by AIDS-related illnesses, and an estimated 5 million of the country's 45 million citizens are HIV-positive. Researchers predict that if left unchecked, the virus will have taken the lives of between 4 million and 7 million South Africans by 2010.

So what are we to make of the new South Africa? In their new books, Allister Sparks, Terry Bell and David Cohen all try to answer this question.

Sparks, now in the twilight of a half-century-long career, was one of the country's leading white liberal journalists under apartheid. The author of two acclaimed books and a former correspondent for the *Washington Post* and *The Economist*, Sparks is well-known and respected in the United States and England, and it is safe to guess that his book will be received here as a definitive account of the first decade of democratic rule. This is a shame, because, its title notwithstanding, *Beyond the Miracle* is written largely in miracle-ese.

Sparks praises the TRC as placing "the truth on record" and thinks the government's neoliberal market economic line is a good start, but does not go far enough: "South Africa should [not] abandon its GEAR policy or undertake a radical change of course. But some modifications are needed to meet our special circumstances." Just what kind of modifications he has in mind becomes clear in his lament that "unlike other democracies where individuals shuttle between top jobs in government and the private sector, South Africa has no Robert McNamaras or Dick Cheneys or Michael Bloombergs, with experience of both."

A chronicle of the past ten years of South African headlines, Sparks's book reads at times like a collection of news articles strung together—informative, but not terribly insightful. The book is more provocative when Sparks uses his insider status and access to President Mbeki to shed light on what many perceive as Mbeki's biggest blunders: the government's controversial response (or lack thereof) to the AIDS pandemic and the political crisis in Zimbabwe. The government's stunning refusal to confront the AIDS crisis—particularly Mbeki's stubborn insistence, based on the spurious claims of "AIDS dissidents," that HIV does not cause AIDS—has dominated international coverage of South Africa in recent years. (In a televised address to Parliament in September 2000, Mbeki famously remarked that "a virus cannot cause a syndrome.") Most observers have been baffled by Mbeki's AIDS policy. Why on earth would an educated, highly intelligent and sophisticated politician base his government's AIDS policy on the discredited ideas of a scientific fringe whose work, rumor has it, he encountered while surfing the Internet?

Why would South African President Thabo Mbeki base his government's AIDS policy on the discredited ideas of a scientific fringe?

Sparks rejects the theory that, in dealing with the AIDS crisis, Mbeki is a desperate man grasping at straws, depicting him instead as a resolute if misguided leader. He also discounts the idea that Mbeki was asserting African intellectual independence in the face of Western scientific hegemony, pointing out that the fiercest critics of AIDS denialism are the country's senior black scientists and COSATU, whose members are overwhelmingly black. Instead, Sparks emphasizes Mbeki's political naïveté and pride, as well as his "deep-seated anger" that linking Africa with AIDS is about "smear[ing] black people the way homosexuals were demonized when AIDS first appeared in the US." He is on shakier ground when he points to psychological issues, arguing that "it is all wrapped up in [Mbeki's] past, in his experiences as a child of the struggle...whose whole life was controlled and directed and dedicated for him with little thought for his own wishes."

Whatever his motivations, Mbeki was ultimately forced to back down. Following pressure from Mandela and Mbeki's own Cabinet, as well as media and civil society, the government announced in 2002 that it accepted the usefulness of antiretroviral drugs (ARVs). Two years later, it finally began to make ARVs available through the public sector. Sparks, who sees a silver lining in every South African cloud, might take this to mean that "civil society has shown its effectiveness...against misrule." But again, this triumphal story is misleading. Just this past January (after Sparks's book was published, to be fair), the government announced that it would slash the budget for ARV provision, citing the "ineffectiveness" of the fledgling program. Much of the funding has since been restored in the run-up to elections, but these flip-flops are not reassuring.

Sparks also spoke at length with Mbeki on the crisis in Zimbabwe, where President Robert Mugabe, a former liberation hero, has led a violent campaign against white farmers and an even more brutal campaign against his black opponents. Sparks rightly chides Mbeki for the South African government's dithering in the face of Mugabe's despotism. Mbeki, who (unlike Mandela) has offered only the mildest of criticisms of Mugabe, an ally during the apartheid years, told Sparks that "the extraordinary preoccupation with what is going on in Zimbabwe in reality has got to do with white fears in South Africa." As Mbeki points out, the far more violent civil wars in Rwanda and Congo have elicited few protests among South African whites. Sparks agrees with Mbeki that many whites are indifferent to black suffering, but he fails to develop the obvious parallel: A racist white minority ruled Zimbabwe for at least a century until it was finally dislodged through the twin pressures of guerrilla war and British-supervised negotiations. The compromises left most of the land in the hands of white farmers. However much one deplores Mugabe's cynical exploitation of the land problem, it is very real, and South Africa has one too. Under apartheid, whites occupied 87 percent of the agricultural land. By the end of 2001, less than 2 percent of land had changed hands between whites and rural, landless

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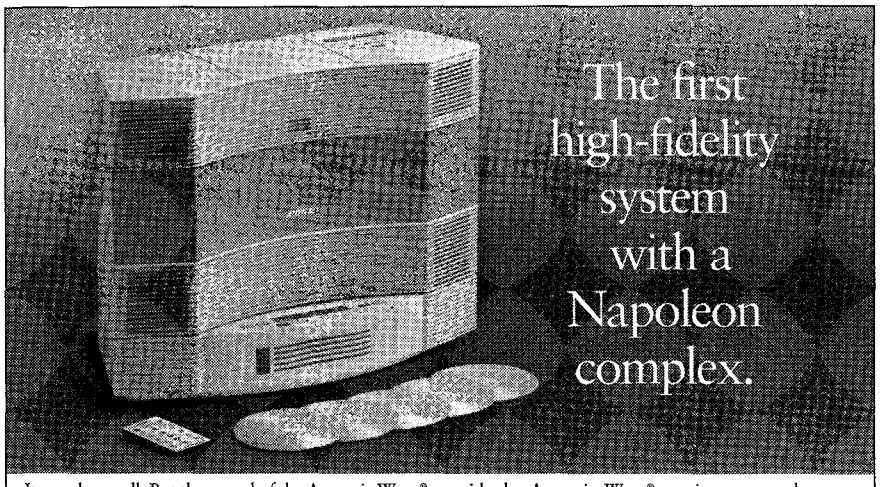
blacks. It is a disparity that will haunt the "new South Africa" as long as it remains unresolved, and one that would make it very delicate, at best, for the South African government to appear to be intervening on behalf of white landowners in Zimbabwe.

In the end, *Beyond the Miracle* is mostly surface analysis. We do not learn about Mbeki's attempts to further continental integration and autonomy through an African Union, or the policy and strategic considerations that probably underlie South Africa's ambiguous response to the unraveling of its northern neighbor's political and economic system. This points to a larger shortcoming of Sparks's approach, which owes more to the tradition of political punditry than of investigative reporting. We get lots of grand events and the pronouncements of politicians, but very little of what was going on behind the scenes. As a consequence, the book reinforces the mainstream accounts of South African history in which the protagonists are black nationalists and white Afrikaners. White English-speakers and big business are on the sidelines, relatively benign onlookers.

Terry Bell provides a useful corrective to Sparks in *Unfinished Business*, which reconstructs how South African businesses and multinational corporations openly aided and abetted the apartheid system in a willing violation of United Nations resolutions: "Businessmen from major corporations acted in advisory roles to the military, especially on manpower issues, and several held high-ranking positions in the armed forces reserves or part-time 'commando' units." The head of the Stock Exchange was a brigadier, for example, and bank and computer companies have been directly implicated in the murky activities of the state's death squads. Businesses were also engaged in systemic racially discriminatory practices. In the mining industry, for example, they paid as much as ten times more to whites than to blacks and discriminated in the provision of housing benefits. As Bell observes: "These appalling conditions, the meagre rations and even more meagre wages were not required by law; they were a simple outgrowth of racism and the demand for greater profits." Likewise, there was no law that required business recruiters to line up naked African males of all ages and inspect them as if they were at a slave auction. Thanks to its documentation of such conduct on the part of South African business, the publication of the first edition of *Unfinished Business* in South Africa triggered a series of class-action legal claims



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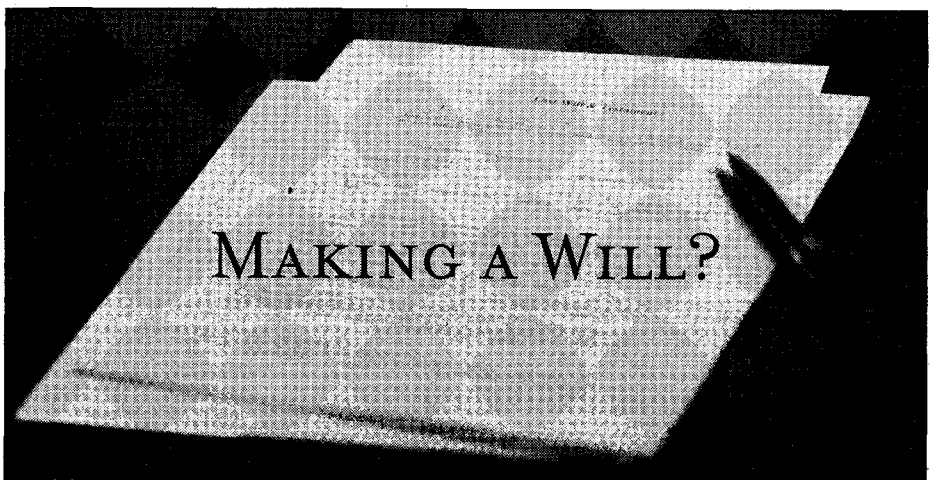

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against banks and companies that profited from apartheid.

Bell is a Cape Town–based white journalist who was a radical critic of apartheid during his twenty-seven years in exile. While he remains close to the ANC's trade union partners, he has emerged as a prominent critic of the ANC-led government's rightward turn on economic and social policy. Part of the book was written with Dumisa Ntsebeza, the lead counsel representing claimants in a number of the class-action suits. The "unfinished business" refers to the legacy of apartheid, obscured by comforting talk of "reconciliation."

The book is divided into three "files": The first reveals the operations of the Afrikaner Broederbond, the secret society to which every apartheid president, prime minister, clerical leader, educationist, senior military and police officer belonged. It reveals the Broederbond's backing of state-sponsored death squads as early as the 1960s as well as its part in attempts to psychologically manipulate entire populations of black people and to develop chemical and biological agents to control them. These included supplying death squads with lethal muscle relaxants used to kill detainees and "terrorists" before throwing their bodies into the sea, as well as experimental attempts to create drugs that could sterilize and subdue South Africa's black population.

The second file details the ruthless activities of the South African security forces and their surrogates in the Transkei homeland, which the apartheid government hoped to transform into an ethnically based satellite state, a showcase of its "separate development" program. Many of the records of these activities were shredded in the months before the 1994 elections. The Broederbond, most key security operatives and their surrogates, including Inkatha Freedom Party leader Mangosuthu Buthelezi, were never investigated by the TRC.

The last file is devoted to the bloodiest decade of apartheid, the 1980s, in which then-President P.W. Botha and his generals devised a "Total Strategy," an intricate plan in which every town, village and hamlet throughout the country was controlled by a fully integrated security net. The chapter concludes by recounting the events that led up to the negotiated settlement as well as to the creation of the TRC. The book is scathing toward the TRC, on which Ntsebeza sat as a commissioner. Bell asserts that the commission was the least likely forum to address South Africa's unfinished business, dominated as it was, from the outset, by "those beneficiaries on the liberal fringe of the system" (read: white English speakers) who "always ignored the material basis of apartheid." For them apartheid was a sin, in a religious sense—a form of evil discrimination rather than a system of race and class exploitation.

Unity became the watchword, reconciliation the means. Not surprisingly, business was "leading the charge" and most whites suddenly emerged as "champions of a non-racist future." There was broad agreement that too much of the truth would be a dangerous thing, although this tended to be dressed up in demands and assurances to rule out a "witch hunt." Truth was aired, sometimes shockingly, but in the absence of punishment for apartheid's criminals or compensation for its victims, "reconciliation" was mostly talk.

Business got off light. Powerful figures in the National Party, notably F.W. de Klerk, didn't do much worse. Bell recounts that in October 1993, as de Klerk was about to depart for Norway to accept his Nobel Prize alongside Mandela, he personally ordered a death-squad raid in the Transkei to destroy an alleged facility of the armed wing of Pan Africanist Congress, a rival liberation movement to the ANC. The death squad attacked a private house in the Transkei capital of Umtata. Five teenage schoolboys who had fallen asleep in front of the television were killed. Hours later de Klerk publicly expressed his approval of the raid, claiming that the victims were "terrorists," and announced the raid's success, displaying color photographs of the bodies. The media and white South Africa lapped it up.

Ntsebeza was one of the lawyers for the families of the boys. At the time, the legal team painstakingly worked to counter these falsehoods, but it was the time of talks about setting a date for nonracial, democratic elections, when peace and reconciliation were dominant themes, so most of the foreign press simply overlooked the killings.

In Bell's view, South Africa's failure to confront this and other unfinished business of the apartheid era "leaves South Africa crippled in many ways. Corruption and pockets of poisonous racism remain embedded deep within our society." Many of apartheid's senior agents have retained a foothold within the army, the police, the secret services and the civil service, and some of them are still ideologically committed to the cause of racial supremacy. Hundreds of people, many in prominent positions who have never come forward, harbor secrets of betrayals and abuses that leave them open to blackmail and manipu-

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lation. Bell believes they should be held accountable to apartheid victims and provide them with financial compensation.

Central to the myth of the new South Africa is the idea that the country defied the odds by achieving a nonviolent democratic transition. It's not entirely false: South Africa could have plunged into a full-scale civil war. And yet the transition has not been free of violence, particularly criminal violence. Since the end of apartheid, South Africa has experienced levels of violence equal to those of countries in the midst of civil war. According to David Cohen, whose new book, *People Who Have Stolen From Me*, details an epidemic of crime in Johannesburg, "official crime figures show that robbery has risen by 169 percent, housebreaking by 33 percent and cash heists, as well as carjacking by 30 percent" in South Africa since 1994.

Cohen grew up in Johannesburg, but since 1987 has lived in London, home to half a million South African, mainly white, expatriates. In the preface he claims that this gives him a "broader perspective," allowing him to know his characters with "intimacy—as well as [a] sense of detachment." The focus of his book is a furniture store in downtown Johannesburg, Jules Street Furnishers. For forty years, the storeowners have sold everything from sofas and beds to VCRs, radios and other consumer goods, catering to a mostly working-class clientele of both black and white customers. Jules Street Furnishers becomes "a fascinating microcosm of life—and morality—in South Africa today."

The store's owners, Harry Sher and Jack Rubin, are Cohen's two main characters. The most interesting parts of the book, however, relate the story of two former hijackers, known by their first names as Veli and Obi, who work for Jules Street Furnishers as debt collectors, mainly in the black townships to the south and east of Johannesburg. Their tale shows how easily guns, the weapons of earlier political conflicts, are available, and reveals that carjacking, far from being the spontaneous action of amoral young black men, is a multiracial pursuit, generally conducted by organized gangs working with extended distribution and smuggling networks. While on a drive to repossess a refrigerator from a customer who can't keep up with her payments, Obi unpacks the morality of crime in the new South Africa:

> You have to put the law to one side and turn to face what you think is the right decision for you. The law was white man's law...and we saw that the people who broke it made good money.... We thought—why not us? When I was taking cars I felt like a hero, like the guys in the car thief movie, *New Jack City*. In the township, when people go to the movies, they cheer for the bad guys. That was us. White people cannot judge me. If I was a white I would not have had to do such things.

Most of the book, however, lacks the depth and insight of the episodes dealing with Obi and Veli, offering instead a stock rendition of crime in the new South Africa. All too often, Cohen replays the racist and stereotypical descriptions of the blackening of Johannesburg's previously segregated downtown. During apartheid, we read, Jules Street "was a sedate, white, blue-collar street with a mix of residential, retail, and commercial properties." With the end of apartheid, however, the street has resulted in a familiar nightmare: "released to take on its destiny, that of a vibrant, anarchic African city."

At crucial times, Sher and Rubin also sound less like real people and more like the "rainbow"-speak of TV pundits, constitutional lawyers, tourism boosters and centrist politicians. "In between the crime, which...we have to deal with, we become attuned to looking for green shoots of progress," Rubin tells him. "We remind ourselves that our constitution is one of the finest in the world, that we've had a peaceful transition to democracy, that it's only a new democracy, and that all democracies take time to settle." This is nice, and ordinary South Africans may share such sentiments, but they certainly don't talk like that.

Cohen's discussion of the roots of crime is hardly more satisfying. He cites new research documenting "the extent to which crime is carried out by organized gangs for whom lack of employment is not an issue. An extraordinary 40 percent of hijackers and 33 percent of armed robbers are otherwise gainfully employed." But rather than help us to understand why that is so, Cohen reverts to stereotypes: Criminals live "in an unnumbered shack on an unnamed dusty street in a lawless, impoverished township," and "it might be something about an entrenched way of life, about the way these people have become wired." In the end, Cohen does not answer a question he poses at the outset: "What bearing does historic injustice to an entire race of people have on present-day judgments as to who is innocent and who is guilty? How is one to behave as a moral person in a society in which law and order is severely compro-

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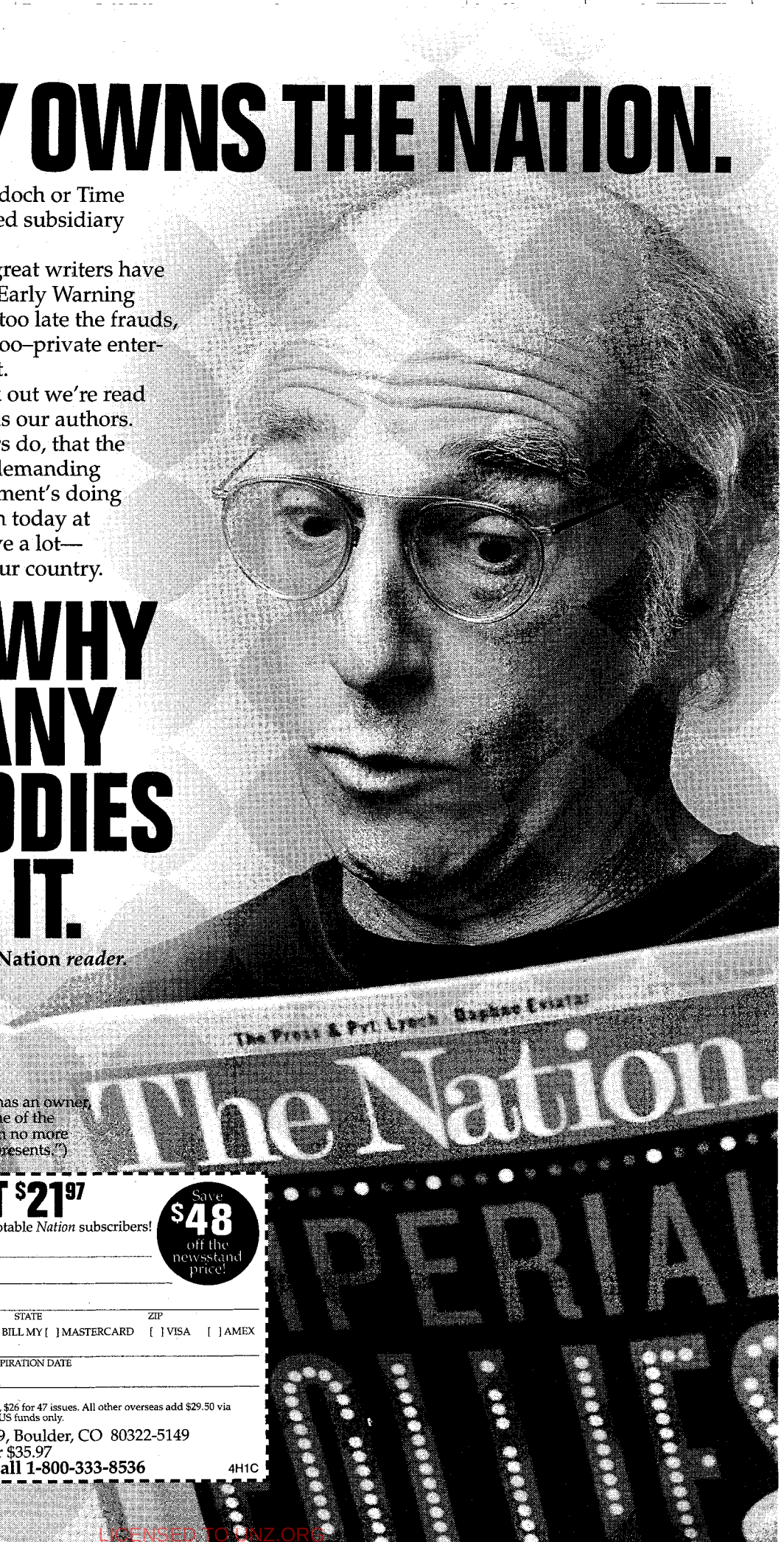

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mised and immorality appears to have become the norm?"

To answer this last question, Cohen might look to the example set by the people who overthrew South Africa's former, criminal regime. Ten years later, their work deserves to be celebrated, but it is not complete. As Bell's book reminds us, apartheid was a totalitarian system, in which the state, business, the church and the security police colluded to shape every aspect of individual and collective life: Apartheid guaranteed full employment for whites while carefully preserving a vast pool of impoverished black labor. It controlled where people could live, what work they could do, whom they could encounter in daily life, learn with, even have sex with. And while apartheid's repressive political and military apparatus was dismantled, the dynamics it engendered in other spheres have yet to be systematically addressed. Cathartic though it was, the TRC dealt with the excesses of apartheid rather than with the deeper workings of the system, while nourishing the hopeful illusion that "normalcy" had somehow been restored and that "normal" market forces could undo the damage caused by that system. The end of apartheid has only begun. ■

Unforgettable

JODY ROSEN

SONATA FOR JUKEBOX: Pop Music, Memory, and the Imagined Life.
By Geoffrey O'Brien. Counterpoint. 328 pp. $27.50.

"This is a book written in the presence of music." So begins Geoffrey O'Brien's sprawling memoir-cum-critical essay, and the reader is tempted to ask: What book isn't? As O'Brien goes on to extravagantly describe, we live in a world of wraparound sound, in which popular music can scarcely be escaped. Pop records play on our home stereos, are piped into restaurants and supermarkets, blare from the open windows of passing cars, tinkle behind the images on television and movie screens. Teenagers in the United States, Europe and Japan will spend tens of millions of dollars this year downloading ringtone versions of Top 40 hits to their cell phones. Even when momentarily out of music's reach, we are hard-pressed to switch off the jukeboxes in our heads. In 2003 James Kellaris, a marketing professor at the University of Cincinnati, published a groundbreaking study, "Dissecting Earworms: Further Evidence on The Song-stuck-in-your-head Phenomenon," detailing the way that tunes lodge in our brains, for maddening hours and days on end. Fully 99 percent of those Kellaris surveyed had endured the malady at one point or another, and more than half were chronic sufferers. If Kellaris is to be believed, that haggard-looking soul across the subway aisle may well be trudging through life with "Macarena" stuck on repeat in his cranial hi-fi.

Indeed, pop music is arguably the art that we experience most intimately. Even songs we can't stand ricochet in our minds; those that we love become enmeshed with our innermost feelings and memories. Proust's madeleines have nothing on pop records, the most powerful nostalgia machines ever devised: Who doesn't know the sensation of being transported back in time by an old, half-remembered song, by the sound of a single piano chord or vocal quaver? "Don't play that song for me/Oh, it brings back memories," Aretha Franklin sang in 1970. "Singles remind me of kisses," went a hit by the English band Squeeze. "Albums remind me of plans."

O'Brien has spent years pondering the intersection of popular music and private experience, and the result is *Sonata for Jukebox*, a rambling, idiosyncratic, occasionally brilliant autobiography-in-singles-and-albums. O'Brien is the editor in chief of the Library of America, a frequent contributor to the *New York Review of Books* and, it turns out, the product of a colorful, intensely musical New York household—part Glass family, part Dorsey family. His grandfather was the leader of the Rainbow Club Orchestra, a Depression-era jazz band; his father, a suave morning-drive-time disc jockey on New York's WOR; his mother, a musical theater comedian. From them O'Brien inherited an abiding love of music and an insatiable pair of ears; O'Brien's has been a life of voracious, deeply sympathetic listening—a life, even more than most, lived in pop music surround-sound.

In *Sonata for Jukebox*, O'Brien's focus never strays far from his record collection. The book includes personal reminiscences, straightforward musical criticism and quasi-mystical ruminations on the meaning of recorded sound, but in the foreground, always, are the recordings themselves: hundreds of them, from Paul Robeson and Fats Waller 78s to the *My Fair Lady Original Cast Album* to "Dancing in the Street"; from 1950s advertising jingles to punk and disco singles to purely fanciful records—"Field Recording, Vocal Duet Accompanied by Mandolin and Accordion, Yonkers, New York, c. 1922"—O'Brien's imaginary soundtracks to his family's history.

Anyone who has ever known a record geek, or read Nick Hornby, will recognize the type: For O'Brien, pop fandom is religion, a 45 rpm record "a perfect mystical object." Fittingly, *Sonata for Jukebox* includes a version of the creation myth. "Make it a gothic night, afflicted with lightning and bursts of thunder," O'Brien writes. "A night when Victor Frankenstein might have been at work in his lab.... Thomas Edison shouts into a telephone speaker attached to a diaphragm.... A moment later, when the stylus is dragged back through the gouges, the assembled lab workers hear an echo, ever so faint and misshapen, of that shout."

The writing is a shade too purple, but here at least O'Brien can be forgiven, for in Edison's lab he finds his book's main theme: that the magic of records is not just captured sound, but bottled time. Not only was Edison's shout recorded, but "the time in which the shout was made," and it is this alchemy—the bygone made audible—that defines our attachment to records. As O'Brien writes elsewhere: "The age of recording is necessarily an age of nostalgia—when was the past so hauntingly accessible?"

O'Brien's personal nostalgia trip starts in a boyhood home of impressive urbanity. He writes lovingly of a house in which music seeped from every room: live broadcasts from the Grand Ole Opry, Art Blakey, Charles Mingus, show tunes, Dixieland, Sinatra and, behind the bedroom door of his highbrow eldest brother, "the not so distant booming of Wagner, Mahler, Bruckner, Orff, Hindemith." (For those of us raised in households of less rarefied musi-

Jody Rosen is a writer in New York and the author of White Christmas: The Story of an American Song *(Scribner).*

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cal taste—who stumbled through a gantlet of terrible LPs and worse haircuts on the long and winding road from Billy Joel to Thelonious Monk—it's hard not to envy O'Brien his running head start.) Eventually, the 1960s arrive, bringing Motown, the Beatles and O'Brien's teenage and young adult years, and here his musical reminiscences take a graver and more maudlin turn. We get the requisite Beatles conversion experience (for O'Brien, the occasion was a screening of *A Hard Day's Night*), an essay on Brian Wilson and the Beach Boys in the form of a letter to an old friend (appropriately, named Rhonda) and an elegy for a fellow music freak, whose suicide in a record-crammed apartment—"a world of continuous sound into which he could withdraw"—reads like a cautionary tale about the perils of audiomania.

These autobiographical episodes are not terribly compelling, and don't always bring out the best in O'Brien's prose. "Listening became authentic only when two or more people participated in it," he tells Rhonda. "Our eyes confirmed, with locked glances, what our ears absorbed in common: a disembodied mandala, displayed momentarily in the Museum of the Air Between Us."

What raises *Sonata for Jukebox* above the banality of personal memoir—and O'Brien's poetastery—are its insights about pop music history and recording technology, little epiphanies that the author tosses off as asides. He writes about a weird transitional moment in the early 1960s, when Pat Boone, Andy Williams and the milquetoast old guard shared the charts with rock-and-roll insurgents; he points out that the promise of art rock was most fully realized in the ambitious early 1970s soul of Marvin Gaye and Stevie Wonder; he shrewdly diagnoses the 1990s lounge music revival as "a generational shift conspiring to admit a range of musical effects that rock had excluded so as to preserve the purity of its identity"; he identifies "the personal mix tape of favorite songs" as "perhaps the most widely practiced American art form"; and he mulls overs the curiosities of life in the sound-saturated twenty-first century:

> If the technology of recording and broadcasting has probably not made the world any noisier than it was—in some ways, as brass bands in the piazza gave way to brass bands in someone's headphones, it has made it quieter—the noise has at any rate become denser, and harder to interpret.... Some point of no return was reached when you couldn't tell the phone beeping in the movie playing on your computer from the phone beeping in your pocket.

The book is strongest when O'Brien drops all pretense of a narrative thread—he's a critic at heart. Shoehorned into *Sonata for Jukebox* are previously published essays on the Beatles, Harry Smith's *Anthology of American Folk Music* and that supreme song-crafter, Burt Bacharach, whose musical Fabergé eggs, perched perfectly between pop eras and idioms, prove an ideal subject for O'Brien's mystical-historical ruminations.

Yet I emerged from *Sonata for Jukebox* feeling frustrated with O'Brien. There is the matter of the book's appendix, "A Jukebox of the Mind": a list of 150 pop songs, presumably the author's favorites, stretching chronologically from 1929 all the way up to...1982. Are we to understand that O'Brien has stopped listening altogether—that the erstwhile record junkie has closed his ears to two decades of popular music?

It seems possible: In the book's final pages, O'Brien lets loose a dismal rant against contemporary pop, scorning sample-based musical styles that "dispense with musicians altogether." In fact, such musics—hip-hop, techno and their offshoots—are products of a different but no less authentic kind of musicianship, and O'Brien's *cri de coeur* is as silly as those with which the Lawrence Welk crowd greeted rock and roll a couple of generations back. Of course, it's no secret, and no crime, that everyone eventually turns into his grandfather, plugging his ears at the racket on the radio and complaining that they don't write 'em like they used to. But it's a bit of a shock to encounter such unembarrassed philistinism at the end of a 300-plus-page paean to the pleasures of open-minded listening.

A bigger problem is O'Brien's writing itself. Records cram nearly every page of *Sonata for Jukebox*, but the reader doesn't hear them in his mind's ear. O'Brien is infatuated with ideas and associations, not sounds; faced with the task of describing a piece of music, he often loses the plot completely, unleashing torrents of doggerel. Woody Guthrie's "900 Miles" is "a spiral modal sawing that generates space, miles and miles of it, a flat prairie seen from the rear car of a departing freight train. No time for farewells, no possibility of return: the abandoned past eternally wailing, beyond change, beyond hope." Of the Beach Boys' instrumental "Let's Go Away for Awhile," O'Brien writes: "The ripples of that tropical surf might be the last dawdling vibrations of some Gnostic emanation. A molecular poetry, modular and self-sustaining, had been allowed to escape, like the light of an ancient star, from that Void whose centrality we found curiously reassuring." The subject of soul singers sends O'Brien spiraling further into deep space:

> Curtis Mayfield, Marvin Gaye, Barbara Lewis, Martha Reeves, Smokey Robinson. These are planets. A shape-shifting made audible. Stippled ceilings, carved bridges where they come to rest: those are momentary resting points before the next somersault. The sinuosity of the vocal line is establishing a model for the whole body, for the spirit: learn to unfurl and extend, it's saying. Achieve the form of cloth in wind; of reed swaying in current; of flame. The voice is on fire. Hear what it sounds like for shimmying flame tongues to lap at the edges of night.

Smokey Robinson may well be a planet, but he's also one of pop music's great formalists, a master songwriter-producer whose records are burnished to perfection: Every vocal flourish, key change and lyric is just so. A discussion of his music should dote on its details; no one can deny the grandeur of "Ooh Baby Baby" or "Cruisin'," but the beauty of such songs has less do with shimmying flame tongues than inside rhymes, elegant horn arrangements and the uncanny use of minor seventh chords.

Ideally, pop criticism should take account of music's workaday minutiae before progressing to the topic of its transcendence; if a record transports us to what feels like an unearthly plane, it's a safe bet that someone did a bang-up job miking the kick drum or performing some other equally mundane and essential recording studio task. But *Sonata for Jukebox* deals almost exclusively in grandiloquent musings on music's otherworldly mystery. Why is it that normally temperate pens go into adjective overdrive when they turn to the topic of popular music? Why are the most celebrated rock critics—Lester Bangs, Greil Marcus—chronic overwriters? Is it because few pop critics are able to analyze music in even the most basic technical terms? Or is such writing an attempt to approximate in prose the abandon and attitude of rock and roll?

O'Brien's bombast feels like a form of love; how else does a zealot describe his devotion but in the most fervent language?

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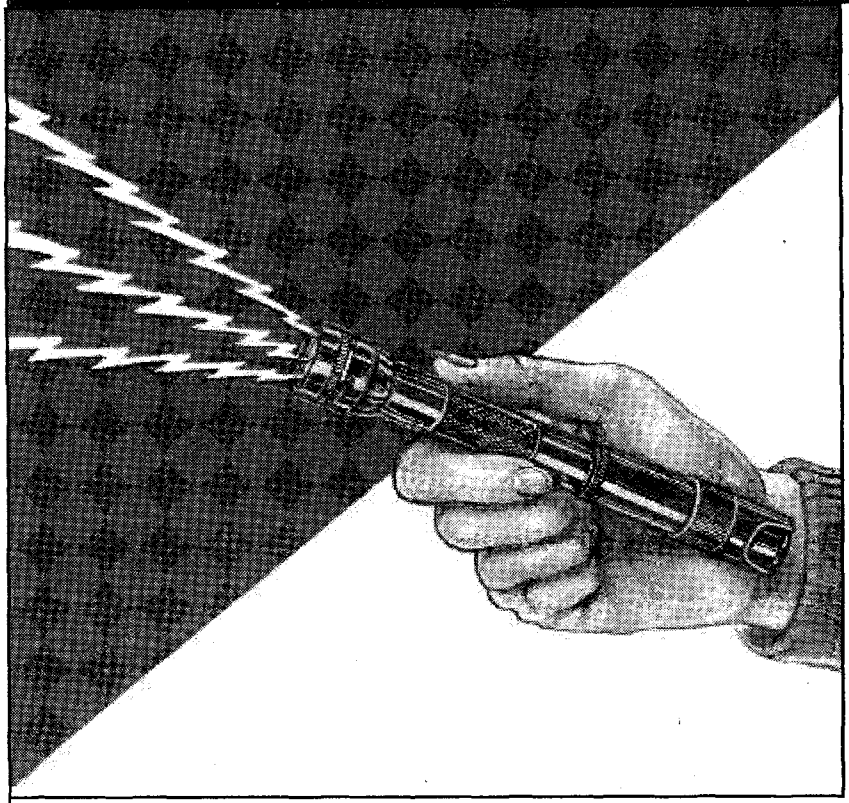

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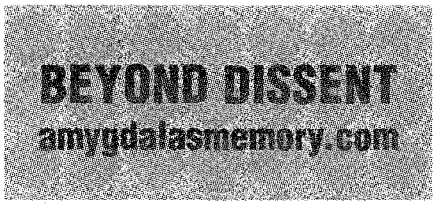

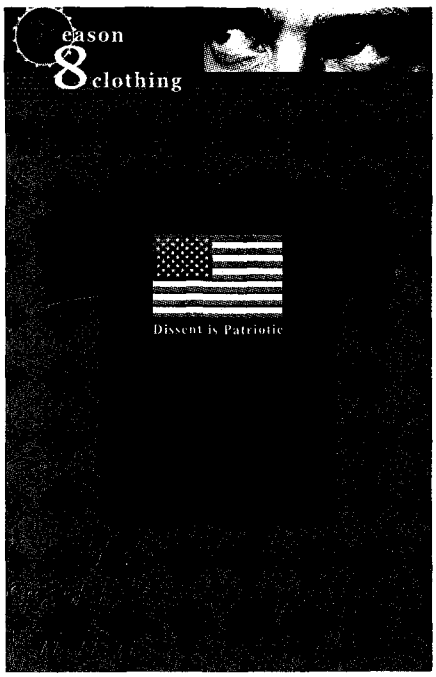

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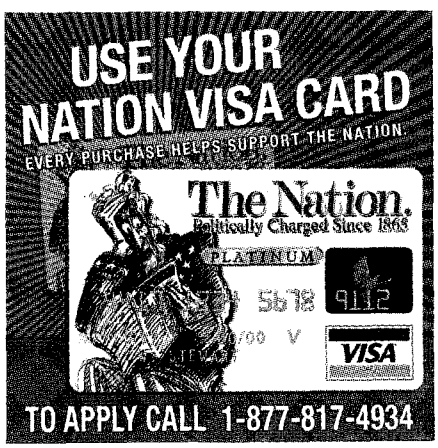

And yet, by filling page after page with beat poetry and insisting on pop music's occult power, O'Brien obscures the real-world art of the records he loves, and tells us little about the human beings who make them.

The final irony of such writing is the contrast between its sprawl and the rigor of the music it purports to describe. The essence of pop song art is concision, collapsing infinite feeling into radically circumscribed form: in the classic singles, a few chord changes, three and a half minutes, verse-chorus-verse-chorus-bridge-chorus-fade. Think of the standards of Kern, Berlin, Gershwin and Porter: all those wonderful melodies and lyrics, all that wit, invention and emotion compressed into songs of invariable thirty-two-bar length. Or consider "A Day in the Life" (to cite an O'Brien favorite), in which the Beatles march listeners through an astonishingly mercurial musical and metaphysical landscape—from delicate folk-pop to psychedelic rock to the atonal maelstrom of a symphony orchestra; from bus trip to head trip; from grief and gallows humor to erotic release and redemption—in less time than it would take to get a few pages into a novel, or listen to a single movement of a symphony. Today's pop is more ruthlessly efficient than ever: Rappers, the biggest blabbermouths in music history, pack at least three times as many words, and all kinds of rhythmic excitement, into the good old-fashioned three-minute radio hit. Surely pop music deserves criticism that strives for a comparable discipline. ■

ART

The Kids Are Alright

ARTHUR C. DANTO

WHITNEY BIENNIAL 2004

Several of the recent Whitney Biennials have aspired to something more than a display of "the latest in American Art," to cite the phrase used to advertise the current show. They have advanced various theses on the state of American art, and of the American soul, so to speak, so far as that can be inferred from changes in artistic practice during the previous two-year period. This can really be the only justification these days for restricting a show to American artists. For there is otherwise not a lot today to distinguish between the art made by Americans and the art made by anyone anywhere else. The art world has been globalized like the rest of life, and the kinds of things one sees at the great international exhibitions seldom divide along national lines. This year, the opening of the Whitney Biennial coincided with the so-called Armory Show, installed on two long West Side piers—a kind of mall where upscale galleries from various countries displayed the artists they represent. The artists came from Germany, Scandinavia, China, South Africa, Latin America and elsewhere, as well as from the United States, but their work was on view primarily for purposes of acquisition. The Biennial seeks, by contrast, to spotlight talent, especially the sort of talent that has yet to achieve recognition, and so only a few of the artists in Biennial 2004 were in the Armory Show (which closed on March 16). The Biennial artists of today are the Armory Show artists of tomorrow. The current Biennial, however, sees itself as "reflecting what may be seen as a reinvigoration of contemporary American art at a moment of profound change in our cultural landscape," according to the museum's press release—and for that one must confine oneself to American artists, who in every other respect are part of the global scene, and whose work fits seamlessly into art fairs like the Armory Show, as well as into biennials in Venice and Istanbul, Johannesburg and Havana, São Paulo, Sydney, Shanghai and beyond.

Let me briefly review some recent Whitney Biennials. The 1993 Biennial is the paradigmatic case of a show that engaged the moral consciousness of its visitors by emphasizing art that challenged it. The show offered a scathing depiction of American society, singling out for attack the injustices of class, race and gender. The most memorable display was the already famous tape of Rodney King being beaten by members of the LAPD, and the spirit of the show was

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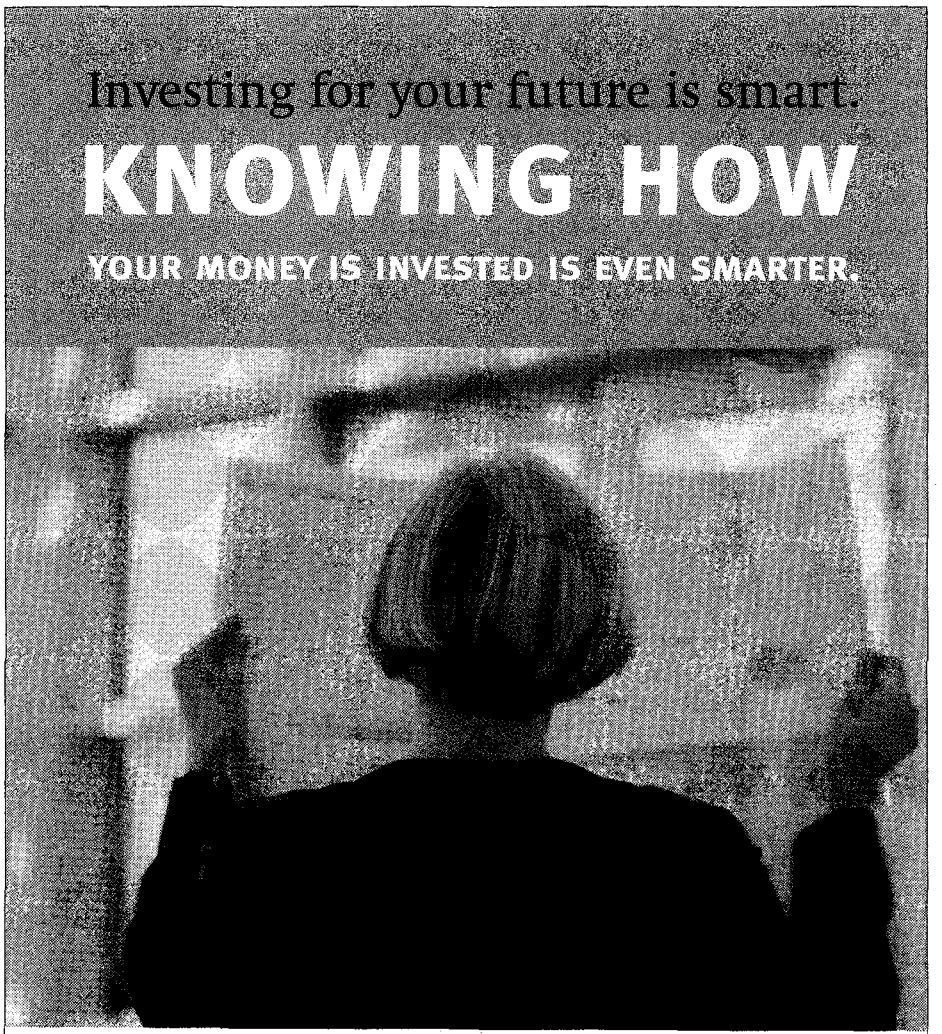
embodied in the controversial admission tags designed by Daniel Martinez, which bore all or part of the message, "I can't imagine ever wanting to be white."

Since the brave though flawed 1993 show, the Whitney has advanced its arguments less stridently. The 1995 Biennial was noted for a heavy representation of works exploring sexuality and the body, implying, again, that these reflected preoccupations in American society as a whole. The 1997 Biennial was far less monolithic and far more cosmopolitan than its two predecessors, and conveyed no message about America that I recall. The defining work of the 2000 Biennial was a somewhat heavy-handed installation by Hans Haacke that assailed Rudolph Giuliani for attacking the Brooklyn Museum, and compared him to Hitler. But the revelatory piece in the show was by Thornton Dial, a widely respected African-American "outsider artist" from Alabama, who was represented by part of a large multimedia work called *The Death of Princess Di*. What was interesting was less the fact that an outsider artist was included in the show than that no one would have known that *The Death of Princess Di* was by an outsider artist. It was perfectly imaginable that the same work could have been executed by an MFA candidate from Yale or RISD—not because it was so polished but because a lot of contemporary art had the raw, obsessive quality of outsider art. Since art schools no longer teach skills and MFA candidates have the option of making art any way they choose, the boundary between the self-taught and the highly taught artist has all but evaporated. And so there was little reason for the show's curators to call attention to the fact that Dial was an outsider. The 2002 Biennial, for its part, was largely composed of little-known artists, selected because they were engaged in one or another quest for spiritual meaning, which reflected the mood of the nation after 9/11. Taken together, Whitney Biennials have not merely shown the latest in American art but provided a register of changes in American attitudes over the past decade, as seen through our art.

The curators of the 2004 Biennial do have a thesis about at least the younger generation of American artists—namely, that they are in some respect interested in artists of earlier generations. This could imply a general thesis about American culture today, though the curators make no effort to draw this out. But it did lead them to design a show that they regard as intergenerational. "What conversation did you have about your conception of the Biennial



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before you began traveling around the country to visit artists' studios?" Tim Griffin, editor in chief of *Artforum*, asked the show's three curators—Shamim Momin, Chrissie Iles and Debora Singer—in a recent interview. "One thing we discussed from the beginning," Momin replied, "was that we wanted an intergenerational exhibition." The press release makes this intention explicit: "The exhibition [aims] to present prominent artistic trends in new intergenerational work," it states, stressing that "the intergenerational premise of the show is evident throughout."

Is this such a revelatory or even novel premise? The Armory Show displays artists from different generations as a matter of course. After all, earlier artists like Warhol and Mapplethorpe are greatly in demand. And most past Biennials showed work by artists of different generations as well, without this having been highlighted as a theme. What makes the "intergenerational" aspects of the 2004 Biennial special?

I suppose the argument here is that there is some kind of an internal relationship between the generations shown. "We all noted that younger artists are very interested in the work of older artists from the '60s and the '70s. There is also renewed interest in the '80s," says Chrissie Iles. The intergenerational character of the show could be achieved by showing, alongside the younger artists, the older artists in whom they have an interest. And indeed this Biennial includes 1960s and '70s luminaries like David Hockney, Robert Mangold, Mel Bochner and Yayoi Kusama, along with 1980s stars such as Robert Longo, Jack Goldstein, Richard Prince and Mary Kelly. But the work of these veteran artists is not represented, as it would have been in past Biennials, to show what they have recently been up to, but rather to illustrate the ostensible interests of the younger generation, the real subject of the show.

The approach might truly be intergenerational if these interests were somehow manifest in their work. I can see how there is what curators like to call an "affinity" between Hockney as a portraitist and Elizabeth Peyton, whose work so far consists exclusively of portraits of pretty boys and girls. The drawings by Sam Durant (born 1960) of Black Panther demonstrations and protests at Columbia in 1968 can be explained through nostalgia for 1960s radicalism—but that is not the kind of intergenerationalism at issue. I'm not suggesting there is no evidence in the work of such artists of what their elders have done, but it does not exactly hit you in the eye. The work shows all kinds of interest on their part, save for the kind of interest the concept of intergenerationality would lead one to expect.

Griffin asks some hard questions in his *Artforum* interview. "Is it somewhat unique that a younger generation interested in art, culture, and politics would turn to previous decades instead of dealing directly with the here and now?" And: "Given this kind of looking back, what would you say this show is articulating about today?" The curators answered: "It's specific threads coming together as a response to a moment in contemporary society marked by turbulent international politics and an economic downturn. But one critical aspect of that pervasive intensity, even anxiety, felt in the work is that there is a sense of the necessity of renewal and purpose in the work right now." Hence—I guess—looking back.

COLLECTION OF VICTOR MASNYJ. PHOTOGRAPH BY THE ARTIST

***Philapores Navigate the Log and Code*, 2003 (detail), Ernesto Caivano**

This is the kind of talk by art experts that makes ordinary people feel as if they know nothing about art. And there is scant evidence that this is what the art is about. Debora Singer concedes that "there isn't so much work within the exhibition with direct political commentary, but, especially among younger artists, you see different rhetorical strategies—more masked and coded. Things are not so issue-based on the surface." Momin states that "the engagement is weirdly distant and yet simultaneously more immediate." I don't believe this for a minute, and the older artists they are said to admire don't take up politics in their work, even in a coded fashion. This isn't an intergenerational show at all. Still, the premise did give the curators a reason to include some wonderful work by older artists.

Jack Goldstein's film *Under Water Sea Fantasy*, which he began working on in 1983 and finished just before his suicide last year, is six and a half minutes of pure beauty. Richard Hertz recently published transcripts of Goldstein's unhappy recollections of his life in the art world of the 1980s, along with interviews with many who knew him, in a sobering book, *Jack Goldstein and the CalArts Mafia*. The film is a visual poem of fire, water, sea life and light, and I sat through it three times, trying to reconcile its vision with the whining self-pity that comes through in Hertz's text, and marveling at the disconnect between artists' lives and their works. I have twice written about Robert Mangold's brilliant *Column Paintings*, in which two or more sine curves enact a dance that integrates into their movement the edges of the sharply vertical panels in which the action takes place. Mel Bochner's new works, which I like to refer to as "thesaurus paintings," consist in synonyms of the word that gives them their title, like *Nothing*, *Mistake*, *Meaningless* and others, all of which appear to belong to a philosophical, not to say metaphysical, vocabulary, whereas their vernacular synonyms can get pretty down and dirty. The words, separated by commas, are painted in neat capital letters, each in a different color, in rows across black canvas, which progressively empty the initial word of its portent while saying the same thing in more down-to-earth terms. In the painting called *Nothing*, the word NOTHING gives way to NEGATION, NONEXISTENCE, NOT-BEING and NONE—and the vocabulary gets slangier and more vulgar—ZIP, ZILCH, NIX, SQUAT, DIDDLYSHIT, GOOSE EGG, BUBKES—ending with PFFFT. The terminal comma hints that the list can go on. *Nothing* should be made into posters for your favorite existentialist's study, and *Meaningless* would be just the thing for a logical positivist. Nobody—NOBODY—in any generation is in Bochner's league when it comes to playing what logicians call use against mention in logical tableaux.

It's not easy to generalize about the younger artists, in large part because it's not easy to discern what they are getting at as

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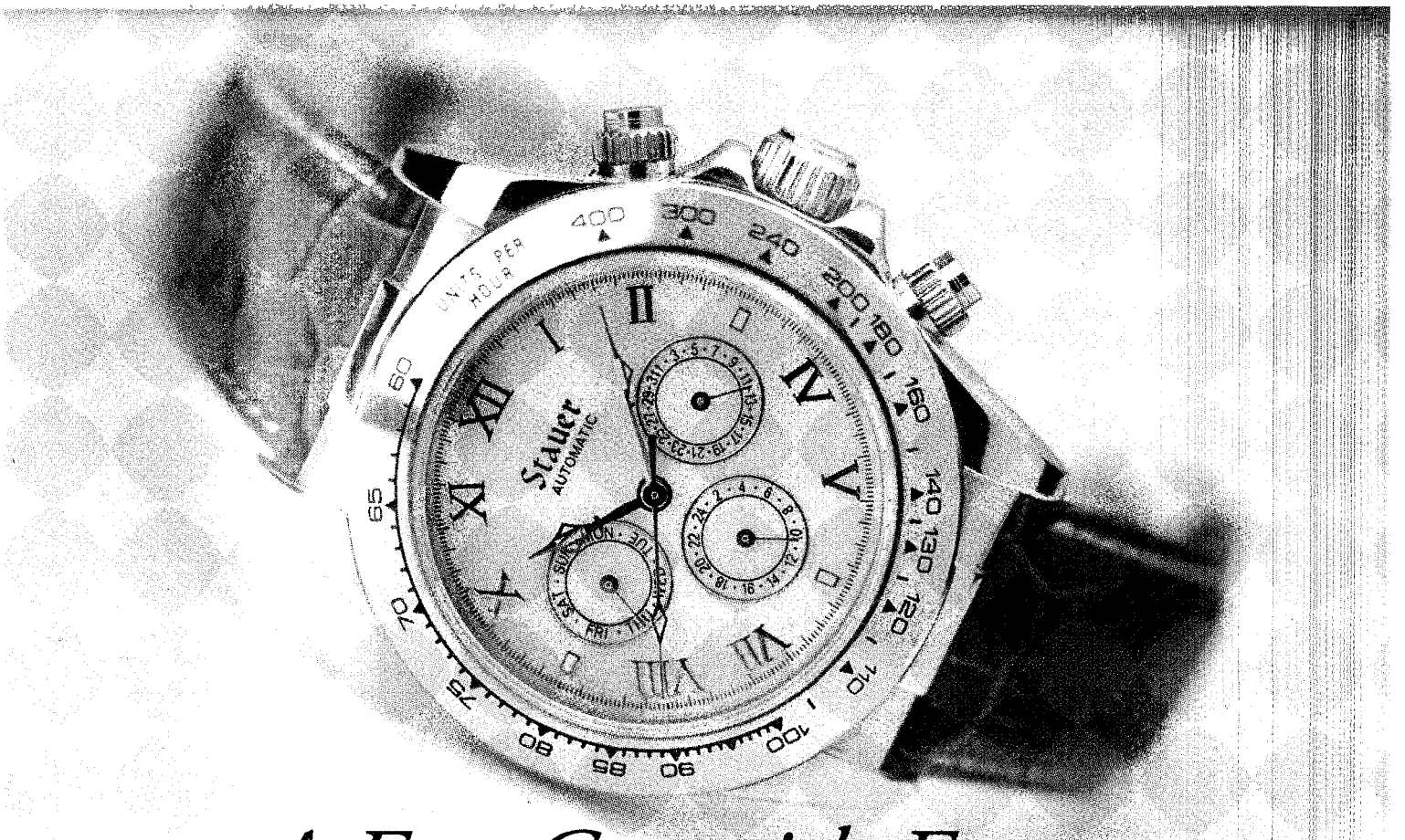

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individuals. I often accept invitations as visiting critic to one or another graduate school of art, mainly in order to find out what those about to enter the art world are thinking about. This varies from year to year, but it also varies from student to student. The students know a lot about what is going on in the art world, visiting shows, reading the art magazines, listening to talks by the artists who get invited to address them. Mainly they have their own ideas, and are finding ways to express them in visual terms. They read a lot, but often selectively—their bibliographies are defined by what they are looking for. Their knowledge tends to be extremely esoteric, making it difficult to know what thoughts are embodied in their work—much less to address their work critically—unless you spend some time with them, and learn what they are trying to do. They're informed about the art of others, but they're less inclined to appropriation than to allusion, as in literature, where part of understanding the text consists in understanding what the allusions mean. There is a lot of "intertextuality," as a literary critic would say, but not all of it is "dialogue" and not much of it is significantly "intergenerational." That means that viewing the work of young artists is like trying to project some hypothesis as to what it's about: one must infer the best explanation of what one is looking at, and then do one's best to confirm it by looking closely. No one should be required to read an exhibition catalogue, but clearly written wall texts, decoding and unmasking, are these days as indispensable as subtitles for films in languages one does not understand. And, contrary to Singer, the meaning of the work in the current Biennial is usually harder to pin down than "issues of civil activism or issues of sexuality or critiques of mainstream American cultural conservatism." To be seriously interested in such issues is inconsistent with concealing them by way of Aesopian strategies. If the work is so transgressive, it's been masked so successfully that the Biennial has received high praise from critics who attacked previous Biennials for being mired in politics rather than aesthetics.

Although a handsome production, the Biennial catalogue is a glaring example of the inflation that has overtaken that genre of publication. It is more a souvenir of the occasion than anything of great use to the viewer, and the editors have chosen to include in it an anthology of writings by Borges, Anaïs Nin, Samuel Delany and others who may have inspired the curators but are of little use to anyone else. With the accompanying box of ephemeral works by the exhibitors, it must have been extremely costly to produce for something of so little utility. Ideally, catalogues should aspire to the utility of guidebooks—something one can carry through the show, giving visitors what they need to know, with small illustrations for identification and mnemonic purposes. At the Armory Show there is always somebody watching the shop at each of the galleries, someone who can answer questions and talk with you about the work if things aren't too busy. The art at the Biennial is generally less familiar and often more difficult than what you would have seen on the piers. The 2004 Biennial is more opaque than its recent predecessors, and that opacity is reflected in the thought behind the catalogue. The art is pretty interesting, though usually for reasons other than those the curators would have us believe. ■

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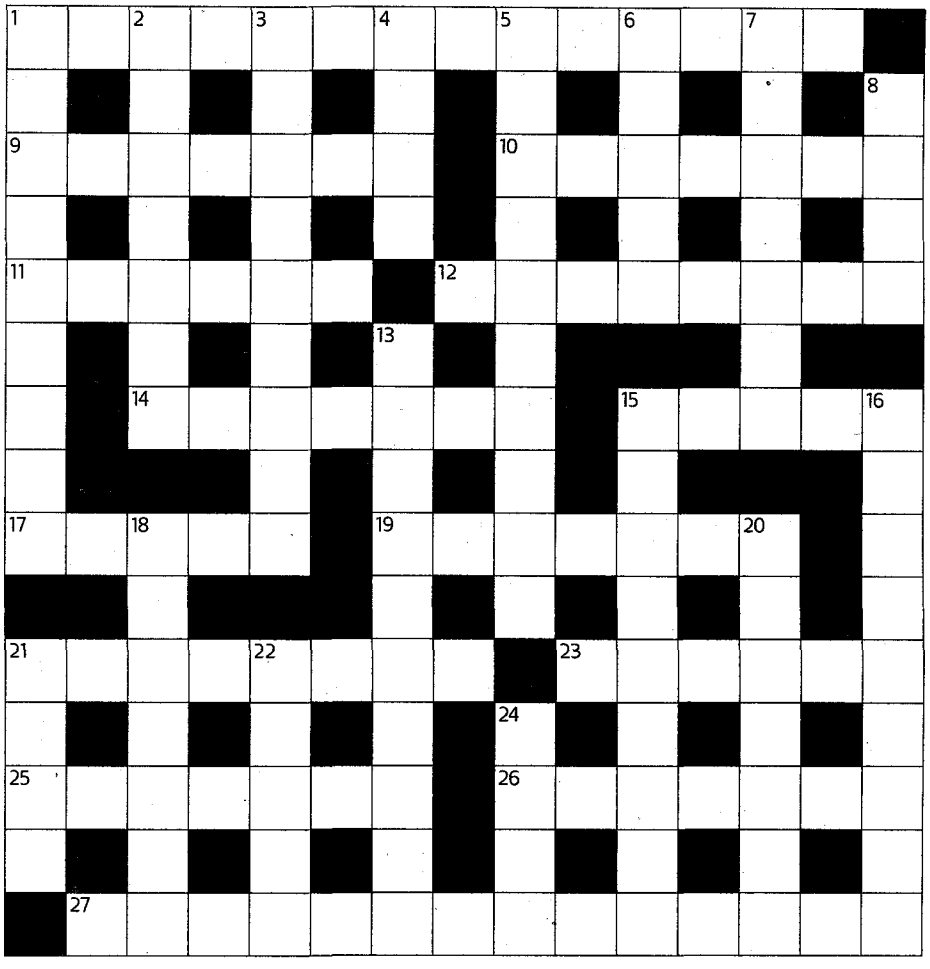

ACROSS

1 The man has a 5, and exists as one who holds things up at an altitude of about sixty miles. (9,5)

9 Not a verse form, but I'm coming back inside just to give you my word. (7)

10 Electra's brother has more than one setback following what may contain gold. (7)

11 Escaped with the Spanish hero? This is bad! (6)

12 What may stick to things on your feet? Dick's a common name for such. (8)

14 Certainly not a standing order, but a slight reversal makes Sid go to town. (3,4)

15 Proving death isn't always straightforward, but had a strong dislike for it. (5)

17 Those changes that make up the fundamental character of a culture. (5)

19 Certain shapes prove a bad lob could elicit an equally bad song. (7)

21 Eastern players might use them in masses, possibly. (8)

23 What sounds like a profit is A-1—sigh! (6)

25 One who enabled the message to get across, only to push things back with a false coin. (7)

26 It's close to what's around the neck, being an outfit for the retiring type. (7)

27 Repositories for "bumbershoots," as they used to say. (After most of the wild rumba, Ella can't sit!) (8,6)

DOWN

1 Intentional exaggeration is hoopla, as they say, and gets to sort of rob the French. (9)

2 Piles up, like around a horse. (7)

3 Skull and Bones, for example, does, and possibly starts something. (9)

4 The wrong side to pick, if you're not looking for a good time with Caesar. (4)

5 How the good speaker spoke! (10)

6 What might be laid on the horse at least helps the silly beast! (5)

7 Doesn't dine in, as an etcher does. (4,3)

8 Like an afterthought, they might have bite. (4)

13 One way to take advantage of coast opportunities, but things get worse if they do. (2,8)

15 The visual discovery of deer is a matter of later introspection. (9)

16 Without trouble from 15, such things go on and on. (9)

18 Make a monotonous noise on something you can't beat, when it's broken—but it's a dreary description! (7)

20 Point to what cold hands may need to show what some lovers are. (7)

21 They are usually done down, rather than done up, but they could create a muss! (4)

22 It takes little science to get what belongs to you and me clean. (5)

24 She and a certain king had quite a time on the stage! (4)

PUZZLED? No more cross words. If you don't see why "Lures" are "Ground Rules" send for those of Mr. Lewis to: Puzzled, The Nation, 33 Irving Place, New York, NY 10003, or access our website at www.thenation.com/about/crossword.mhtml.

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U		O		O		A		A		E		N		M
G	E	T	S	H	O	T		D	A	V	I	N	C	I
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B	A	C	K	P	E	D	A	L		L	I	A	N	A
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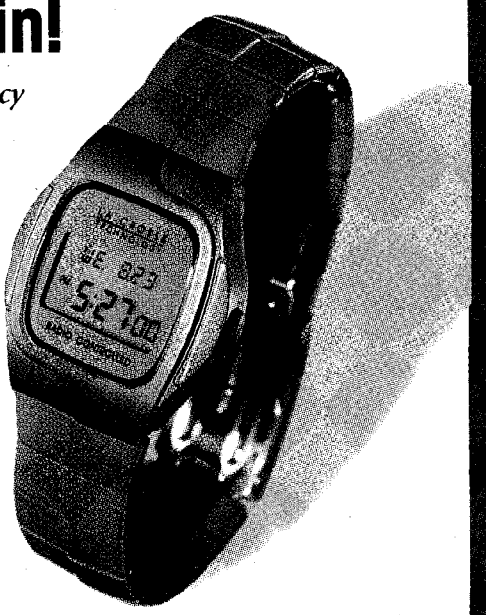

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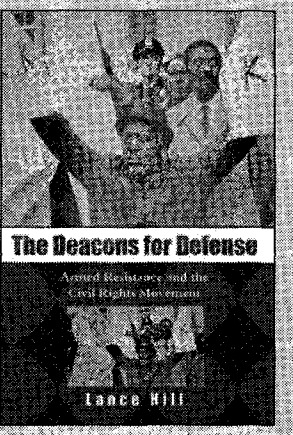

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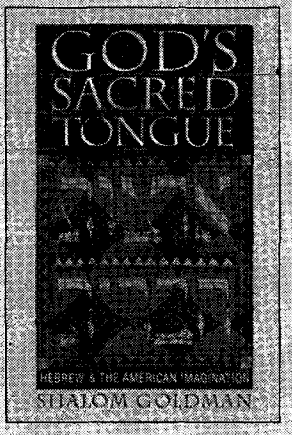

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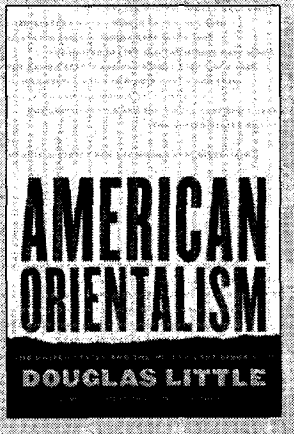

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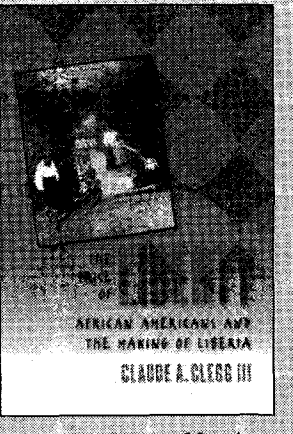

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